

THE LAWS
PASSED AT THE
Seventeenth Session
OF THE
Legislature
OF THE
STATE OF SOUTH DAKOTA

43827

Begun and held at Pierre, the Capital of said State, on Tuesday,
the Fourth day of January, 1921, and concluded
on March 4, 1921.

ALSO

The Amendments to the Constitution of South Dakota, adopted at
the General Election held November 2, 1920.

To which are added the Laws passed at the First and Second Special Sessions of the
Sixteenth Legislature of the State of South Dakota, which are reprinted
herewith, pursuant to the provisions of Joint Resolution,
Chapter 274, Laws of 1921.

OFFICIAL EDITION

1921
STATE PUBLISHING COMPANY
Pierre, South Dakota

Amendments to the Constitution

Article XIII of the Constitution of South Dakota was amended at the General Election held on November 2, 1920, by adding thereto the following new sections:

Section 17. The State may establish and maintain a system of credits for assisting in the building of homes by the people of the State, and therefor may loan money and extend credit to the people of the State upon real estate security in such manner and upon such terms and conditions as may be prescribed by general law. The limitations and provisions regarding the incurring of indebtedness elsewhere found in the Constitution shall not apply to this Section, but the Legislature shall, at the time of incurring any indebtedness hereunder, provide for discharging same.

Section 18. The Legislature shall be authorized to provide by law for compensating honorably discharged soldiers, sailors, marines, and others, who have served with the armed forces of the United States, or who have engaged in war relief work in the World's War, or other wars of the United States, including former American citizens, who served in allied armies against the central powers in the World's War and who have been honorably discharged and repatriated; such compensation not to exceed the sum of fifteen dollars per month for the period of such service. For this purpose the Legislature may use the credit of the State, and any indebtedness created for this purpose shall not be a part of the indebtedness authorized or limited by other provisions of the Constitution; provided, that the amount of all indebtedness created by the State for the purposes specified in this Section shall not exceed six million dollars.

Authentication

STATE OF SOUTH DAKOTA, }

Department of State. }

I, C. A. Burkhart, Secretary of State of the State of South Dakota, do hereby certify that the laws contained in this volume are true and correct copies of the original enrolled Bills and Joint Resolutions passed by the Legislature of this State at the Sixteenth Legislative Special Sessions, being Extraordinary Sessions begun and held at Pierre, the Capital, on Tuesday, December 2, 1919, and concluded on Thursday, December 4, 1919, and on Monday, June 21, 1920, and concluded on Tuesday, June 29, 1920, as approved by the Governor and now on file in this office.

In Witness Whereof, I have hereunto set my hand and affixed the Great Seal of the State of South Dakota, at Pierre, this 30th day of June, 1920.

(Seal)

C. A. BURKHART,
Secretary of State.

THE LAWS

PASSED AT THE

First Special Session

Of The

Sixteenth Legislature

Of The

STATE OF SOUTH DAKOTA

Begun and held at Pierre, the Capital of said State, on Tuesday,
December 2, 1919, and concluded on Thursday, December 4, 1919.

OFFICIAL EDITION

Ratification of Federal Constitutional Amendment

CHAPTER 1.

(H. J. R. No. 1.)

RELATING TO SUFFRAGE.

A JOINT RESOLUTION Ratifying a Proposed Amendment to the Constitution of the United States of America, Relating to the Right of Suffrage Regardless of Sex.

Whereas, Both Houses of the Sixty-sixth Congress of the United States of America, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America, in the following words, to-wit:

JOINT RESOLUTION

Proposing an amendment to the Constitution extending the right of suffrage to women.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House, concurring therein), That the following Article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the Legislatures of three-fourths of the several States:

"Article —

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

"Congress shall have power to enforce this Article by appropriate legislation."

Therefore,

Be It Resolved by the House of Representatives of the State of South Dakota, the Senate Concurring:

Section 1. That said proposed amendment to the Constitution of the United States of America be, and the same is hereby ratified by the Legislature of the State of South Dakota.

Section 2. That certified copy of this preamble and Joint Resolution be forwarded by the Governor of this State, to the Secretary of State at Washington, to the presiding officer of the United States Senate, and to the Speaker of the House of Representatives of the United States.

THE LAWS

PASSED AT THE

Second Special Session

Of The

Sixteenth Legislature

Of The

STATE OF SOUTH DAKOTA

Begun and held at Pierre, the Capital of said State, on Monday,
June 21, 1920, and concluded on Tuesday, June 29, 1920.

OFFICIAL EDITION

TABLE OF CONTENTS

Chapter No	ACTS LEGALIZED:
1.....	H. B. No. 2, Legalizing Beadle County Court House Bonds.
2.....	S. B. No. 4, Legalizing Hayti Consolidated School District.
3.....	S. B. No. 50, Legalizing City of Lemmon Bond Issue.
	APPROPRIATIONS:
4.....	H. B. No. 25, For Aberdeen Daily News.
5.....	S. B. No. 21, Deficiency for Circuit Judges.
6.....	H. B. No. 52, Drainage Assessments State Lands.
7.....	H. B. No. 22, Fall River County from Forest Reserve Fund.
8.....	S. B. No. 52, Amending General Appropriation Act, Chapter 15, Laws of 1919.
9.....	H. B. No. 20, E. W. Hall, County Agent.
10.....	S. B. No. 25, Hippie Printing Co., for Agricultural Statistics Blanks.
11.....	H. B. No. 23, Hippie Printing Co., Board of Health Notices.
12.....	S. B. No. 62, Legislative Expenses, Special Session 1920.
13.....	H. B. No. 26, School Aid to Stanley County.
14.....	S. B. No. 16, Deficiency, School for Blind.
15.....	S. B. No. 17, Deficiency, School and Home for Feeble Minded.
16.....	S. B. No. 32, Secretary of State's Office.
17.....	S. B. No. 13, Deficiency, Soldiers' Home.
18.....	H. B. No. 51, Relief of Soldiers and Sailors.
19.....	S. B. No. 22, Deficiency, Spearfish Normal.
20.....	S. B. No. 30, Deficiency, Spearfish Normal.
21.....	S. B. No. 6, State Budget Board.
22.....	S. B. No. 29, Power Plant, State Capitol.
23.....	H. B. No. 28, Liability of State Under Workmen's Compensation Law.
24.....	S. B. No. 15, Paying Assessments, State College of Agriculture, Etc.
25.....	S. B. No. 20, Acquiring and Improving Sylvan Lake.
26.....	H. B. No. 57, Will A. Beach Printing Co.
27.....	S. B. No. 14, Yankton State Hospital.
	ASSESSMENT AND TAXATION:
28.....	H. B. No. 55, Relating to County Bridge Levy.
29.....	S. B. No. 38, Relating to Taxing of Real Estate Mortgages.
	ATTORNEYS AND COUNSELORS AT LAW:
30.....	S. B. No. 7, Relating to Practice by County Judges and Clerks of Court.
	BANKS AND BANKING:
31.....	H. B. No. 15, Relating to Collection and Exchange Fees on Checks, Drafts, Etc.
32.....	H. B. No. 1, Relating to Payment of Interest on Deposits.
	BRIDGES:
33.....	S. B. No. 49, Relating to Emergency Bridges.
	CONSTITUTIONAL AMENDMENTS:
34.....	S. J. R. No. 2, Proposing Amendment of Section 4, Article XIII.
35.....	H. J. R. No. 2, Proposing New Section 17 to Article XIII.
36.....	S. J. R. No. 3, Proposing New Section 18 to Article XIII.
	CORPORATIONS:
37.....	H. B. No. 54, Relating to Co-Operative Associations.

Chapter No.	COUNTIES:
38.....	S. B. No. 35, Relating to County Constables and Justices of the Peace.
39.....	H. B. No. 60, Authorizing Transfer of Funds, Fall River County.
40.....	H. B. No. 42, Authorizing Counties to Acquire and Maintain Public Parks.
41.....	H. B. No. 40, Permitting Counties to Aid Soldiers and Sailors Memorial.
	COUNTY COMMISSIONERS:
42.....	H. B. No. 47, Relating to County Buildings.
	COURTS:
43.....	H. B. No. 12, Relating to Fees of Shorthand Reporters.
44.....	H. B. No. 9, Terms of Court, Fourth Circuit.
	DEPARTMENT OF HISTORY:
45.....	S. B. No. 19, Relating to Consolidation of Funds.
	DRAINAGE:
46.....	S. B. No. 45, Amending the Drainage Law.
	EDUCATION.
47.....	H. B. No. 7, Relating to Consolidated School Districts and Legalizing the Same.
48.....	H. B. No. 30, Relating to School Sites for Consolidated School Districts.
49.....	H. B. No. 41, Relating to Powers of Independent School Districts.
50.....	S. B. No. 2, Relating to Tax Levy in Independent School Districts.
51.....	H. B. No. 38, Relating to Independent School District Treasurer.
52.....	H. B. No. 8, Relating to School Teachers and County Supervision.
53.....	H. B. No. 45, Relating to Transportation of Pupils.
	EMPLOYMENT SERVICE DEPARTMENT:
54.....	H. B. No. 27, Relating to State Employment Service Department.
	ESTATES OF DECEDENTS:
55.....	S. B. No. 64, Relating to Decree of Distribution.
56.....	H. B. No. 32, Relating to Probate Notices.
57.....	H. B. No. 31, Relating to Sale of Property.
58.....	S. B. No. 10, Validating Certain Probate Proceedings.
	EXECUTORS AND ADMINISTRATORS:
59.....	S. B. No. 65, Relating to Settlement of Final Account.
	GUARDIANS:
60.....	S. B. No. 9, Validating Certain Guardianship Proceedings.
	INDUSTRIAL COMMISSIONER:
61.....	H. B. No. 19, Relating to Conciliation of Labor Controversies.
	INSURANCE:
62.....	H. B. No. 53, Relating to the Office of Commissioner of Insurance.
63.....	H. B. No. 14, Relating to Deposit of Securities by Surety Companies.
64.....	S. B. No. 3, Relating to State Hall Insurance.
65.....	H. B. No. 11, Relating to the Taxation of Life, Health and Accident Insurance Companies.
66.....	H. B. No. 48, Relating to Workmen's Compensation
	LIMITATION OF ACTIONS:
67.....	H. B. No. 58, Relating to Contracts for Sale of Real Property and Their Cancellation.
	MORATORIUM:
68.....	H. B. No. 6, Amending the Moratorium Law.
	MORTGAGES:
69.....	S. B. No. 8, Curing Defective Assignments and Discharges.

Chapter No.	MUNICIPAL CORPORATIONS:
70.....	<u>S. B. No. 40, Relating to Municipal Bonds.</u>
71.....	<u>S. B. No. 42, Relating to Refunding Bonds.</u>
72.....	<u>S. B. No. 5, Relating to Qualification of Municipal Officers.</u>
73.....	<u>H. B. No. 37, Relating to Powers of Municipal Corporations.</u>
74.....	<u>H. B. No. 46, Relating to the Sale of Real Estate.</u>
75.....	<u>S. B. No. 47, Relating to Sewerage.</u>
	<u>MUNICIPAL COURTS:</u>
76.....	<u>H. B. No. 5, Relating to Salary of Judge.</u>
77.....	<u>S. B. No. 67, Relating to Salary of Judge.</u>
	<u>PRIMARY ELECTIONS:</u>
78.....	<u>S. B. No. 48, Relating to Party Primaries (Initiated Measure.)</u>
	<u>PUBLIC OFFICERS:</u>
79.....	<u>H. B. No. 61, Relating to Salaries of Officers and Employees for the Fiscal Year 1920-21.</u>
	<u>RAILROAD COMMISSION:</u>
80.....	<u>S. B. No. 1, Relating to Election of Railroad Commissioners.</u>
81.....	<u>S. B. No. 12, Relating to Review of Decisions of the Railroad Commission.</u>
	<u>SECURITIES COMMISSION:</u>
82.....	<u>S. B. No. 46, Relating to Securities Commission and to Obligations Given for Securities Sold in Violation of Law.</u>
	<u>SOLDIERS AND SAILORS:</u>
83.....	<u>S. B. No. 24, Relating to Expense of Burial.</u>
	<u>STATE CAPITOL COMMISSION:</u>
84.....	<u>S. B. No. 56, Relating to a Home for the Governor.</u>
85.....	<u>S. B. No. 58, Relating to the Control of Automobiles Used in State Business.</u>
	<u>STATE ENGINEER:</u>
86.....	<u>S. B. No. 27, Relating to the Office of State Engineer.</u>
	<u>STATE FUNDS:</u>
87.....	<u>H. B. No. 21, Relating to Forest Reserve Funds.</u>
88.....	<u>S. B. No. 60, Providing for Temporary Transfer of State Funds.</u>
	<u>STATE HIGHWAY COMMISSION:</u>
89.....	<u>S. B. No. 51, Amending State Highway Commission Act.</u>
	<u>STATE PENITENTIARY:</u>
90.....	<u>S. B. No. 57, Relating to Employment of Convicts.</u>
	<u>UNORGANIZED COUNTIES:</u>
91.....	<u>H. B. No. 39, Completing the Attaching of Washington County to Pennington County.</u>
	<u>VITAL STATISTICS:</u>
92.....	<u>H. B. No. 3, Transferring Vital Statistics to the State Board of Health.</u>

Acts Legalized

CHAPTER 1.

(H. B. 2.)

LEGALIZING BEADLE COUNTY COURT HOUSE BONDS.

AN ACT Entitled, An Act Legalizing and Validating the Election Held December 16th, 1919, in Beadle County for the Purpose of Voting on the Issuance of Bonds of Said County for the Erection of a New Court House Therein, and the Bonds to Be Issued Pursuant Thereto, and Legalizing and Validating All Acts and Proceedings of the Board of County Commissioners of Said County and Other Officers Pertaining to Such Election, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That the election held in the County of Beadle in the State of South Dakota December 16th, 1919, for the purpose of voting on the question of issuing bonds of the said County in the amount of three hundred and fifty thousand (\$350,000) dollars for the purpose of erecting a new court house therein, and all bonds to be issued pursuant thereto, are hereby legalized and declared valid, together with all acts and proceedings of the Board of County Commissioners of said County or other officers pertaining to the calling, giving notice of and holding, or in any wise pertaining to such election notwithstanding any error or omission, clerical or otherwise, on the part of, or under the direction of said Board or other officer or officers in connection with or pertaining to any of said matters as the case may be.

Section 2. Whereas, this Act is necessary for the support of the State Government and the existing institutions, an emergency is hereby declared to exist, and this Act shall take effect and be in full force from and after its passage and approval.

Approved June 28, 1920.

CHAPTER 2.

(S. B. 4.)

LEGALIZED HAYTI CONSOLIDATED SCHOOL DISTRICT.

AN ACT Entitled, An Act Legalizing the Incorporation of Hayti Independent Consolidated School District No. 2 of Hamlin County, South Dakota.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. (Acts Legalized.) That the Hayti Independent Consolidated School District No. 2 of Hamlin County, South Dakota, organized and incorporated on or about April 1st, 1918, upon a petition filed with the Superintendent of Public Instruction on or about March 9th, 1917, and with the Superintendent of Schools of Hamlin County, South Dakota, on March 13th, 1917, on which petition an election was held on or

about March 27th, 1918, first Board of Directors of said Independent Consolidated School District being elected on or about April 13th, 1918, and embracing the following described territory, to-wit: Sections Twenty-four (24), Twenty-five (25) and Thirty-six (36), in Township One Hundred Fourteen (114), North of Range Fifty-Four (54) West of the Fifth P. M., and Sections Nineteen (19), Thirty (30), Thirty-one (31), Thirty-two (32) and Thirty-three (33), in Township One Hundred Fourteen (114), Range Fifty-three (53), West of the Fifth P. M., being formerly Hayti School District No. 3—and Sections Twenty-two (22), Twenty-three (23), Twenty-four (24), Twenty-five (25), Twenty-six (26), Twenty-seven (27), Thirty-four (34), Thirty-five (35) and Thirty-six (36), in Township One Hundred Fourteen (114), North of Range Fifty-three (53), West of the Fifth P. M., being formerly Hayti School District No. 4, and Sections Twenty (20), Twenty-one (21), Twenty-eight (28), Twenty-nine (29), in Township One Hundred Fourteen (114), Range Fifty-three (53), West of Fifth P. M., including the Town of Hayti, South Dakota, being formerly Hayti Independent School District No. 1,—all in the County of Hamlin, and State of South Dakota,—is hereby declared and confirmed as a duly organized and incorporated Independent Consolidated School District with boundaries as aforesaid, notwithstanding any errors, clerical or otherwise, or omissions on the part of any officers or the electors of said District or Districts or in any proceedings relative thereto, or any defect, ambiguity, omission, want or lack of power in the Statute authorizing such organization and incorporation, and the organization and incorporation consisting of the territory hereinbefore described and set out is declared to have existed as an Independent Consolidated School District under the laws of the State of South Dakota, since the said 1st day of April, A. D., 1918, and all acts of the officers of said School District, and all proceedings for bonding and taxation had therein within the proper scope and authority of the Statutes of this State relative to Independent Consolidated School Districts and their officers, are hereby ratified and validated, notwithstanding any errors, clerical or otherwise, or any defect, ambiguity, or omission, want or lack of power in the Statute authorizing such organization and incorporation of said District.

Section 2. (Emergency.) Whereas, this Act is necessary for the immediate support of the State Government and its existing institutions, an emergency is hereby declared to exist, and this Act shall be in force and affect from and after its passage and approval.

Approved June 29, 1920.

CHAPTER 3.

(S. B. 50.)

LEGALIZING CITY OF LEMMON BOND ISSUE.

AN ACT Entitled, An Act Legalizing Certain Bond Issues, and Special Assessments Made and Levied to Provide Funds with Which to Pay the Same, of the City of Lemmon, Perkins County, South Dakota, and All Acts of the Officers of Said City in Connection with and Incident to the Issuance of Said Bonds, and Making Said Special Assessments, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That all of the acts of the Board of Commissioners of the City of Lemmon, Perkins County, South Dakota, and other city

officers of said City, and all acts done under their directions, and all of the proceedings had and resolutions adopted in furtherance of, or pertaining to the issuance of that certain twenty-two thousand (\$22,000.00) dollar bond issue of the said City of Lemmon voted for by the electors of said City on the 4th day of September, A. D. 1919, for the purpose of completing the installation and construction of the sewerage system of the City of Lemmon, South Dakota be, and the same are hereby legalized and declared to be valid, and that all bonds issued, or to be issued thereunder or in pursuance thereof are hereby declared to be legal and valid obligations.

Section 2. That all of the acts of the Board of Commissioners of the said City of Lemmon, South Dakota, and other officers of said City, and all acts done under their direction, and all proceedings had, and resolutions adopted in furtherance of or pertaining to any special assessments made, or levied by the Board of Commissioners of said City, and other officers thereof, for the purpose of providing funds with which to pay said twenty-two thousand dollar bond issue aforesaid be, and the same are hereby legalized and declared to be valid, and that all of said special assessments are hereby declared to be legal, valid and binding obligations against the property so assessed.

Section 3. Whereas, this Act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved June 30, 1920.

Appropriations

CHAPTER 4.

(H. B. 25.)

FOR ABERDEEN DAILY NEWS.

AN ACT Entitled, An Act Appropriating Money to Pay the Claim of the Aberdeen Daily News for Publishing a Certain Official Notice for the Department of Markets, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of the expense fund of the Marketing Department the sum of \$14.04 to the Aberdeen Daily News for publishing a certain legal notice on the 31st day of March, 1919, for the Department of Markets, said claim not having been paid heretofore for the reason that it was not filed prior to the time that the funds appropriated for said purpose had reverted to the General Fund.

Section 2. Whereas, this Act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved July 3, 1920.

CHAPTER 5.

(S. B. 21.)

FOR DEFICIENCY FOR CIRCUIT JUDGES.

AN ACT Entitled, An Act Appropriating Money for Deficiency in the Expenses of the Respective Circuit Judges for the Fiscal Year Ending June 30, 1920, and the Fiscal Year Ending June 30, 1921, and Declaring an Emergency,

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, the sum of three thousand nine hundred dollars for deficiency of expenses of the thirteen Circuit Judges, for the fiscal year ending June 30, 1920, and three thousand nine hundred dollars for deficiency in the expenses of the thirteen Circuit Judges for the fiscal year ending June 30, 1921.

Section 2. Whereas, this Act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved July 3, 1920.

CHAPTER 6.

(H. B. 52.)

FOR DRAINAGE ASSESSMENTS, STATE LANDS.

AN ACT Entitled, An Act to Appropriate Money for the Payment of Certain Drainage Assessments Against State Lands, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated from the funds in the State Treasury, not otherwise appropriated, the following sums of money for the purpose of paying drainage assessments and accrued interest thereon, which assessments have been levied against the following described tracts of property owned by the State of South Dakota:

To Lake County, Drainage Ditch No. 12. First Assessment against SW $\frac{1}{4}$ SE and SE $\frac{1}{4}$ SE. 36-105-53, \$2925.00.

To Simpson Lake Drainage Ditch, Douglas County, South Dakota. Second assessment and accrued interest against SE $\frac{1}{4}$ NE, SW $\frac{1}{4}$ NE, NE $\frac{1}{4}$ NE, NW $\frac{1}{4}$ NE, NE $\frac{1}{4}$ SE, and NW $\frac{1}{4}$ SE. 16-99-64, \$752.15.

To Dayton Crow Creek Drain, Marshall County, South Dakota. First assessment and accrued interest against the following described lands in said Marshall County:

All of Section	16-128-59
NE $\frac{1}{4}$ and NW $\frac{1}{4}$	36-128-59
E $\frac{1}{2}$ SW	36-128-59
SE $\frac{1}{4}$	36-128-59
All	36-127-59
W $\frac{1}{2}$ NE	16-127-58
NW $\frac{1}{4}$	16-127-58

NW $\frac{1}{4}$ SW	16-127-58
W $\frac{1}{2}$ SE	16-127-58
NE $\frac{1}{4}$	16-128-58
SW $\frac{1}{4}$	16-128-58
SE $\frac{1}{4}$	16-128-58

\$3986.20

To Day County, Valley Township Drainage Ditch First assessment against the NE $\frac{1}{4}$ of 16-121-58, \$558.23.

Said funds to be paid upon the presentation of duly itemized vouchers approved by the Commissioner of School and Public Lands.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved July 3, 1920.

CHAPTER 7.

(H. B. 22.)

FOR FALL RIVER COUNTY FROM FOREST RESERVE FUND.

AN ACT Entitled, An Act Appropriating Money to Fall River County, South Dakota, from the Forest Reserve Fund, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of the Forest Reserve Fund to Fall River County the sum of \$274.97, the said sum being the apportionment of said Fall River County from the said fund, same not heretofore having been paid to said County by reason of the fact that the Revised Political Code of 1919 made no provision therefor.

Section 2. Whereas, this Act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist, and this Act shall be in force and effect from and after its passage and approval.

Approved July 3, 1920.

CHAPTER 8.

(S. B. 52.)

AMENDING GENERAL APPROPRIATION ACT, CHAPTER 15, LAWS 1919.

AN ACT Entitled, An Act Appropriating Money for Salary and Expenses of the Executive and Judicial Departments of the State, for Salaries and Expenses of All Officers, Boards and Departments, for Support and Maintenance of the Educational, Charitable and Penal Institutions, for the Fiscal Year Ending June 30, 1920, and the Fiscal Year Ending June 30, 1921, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated the following sums of money, or so much thereof as may be necessary, out of any money in

the Treasury, not otherwise appropriated, for the payment of salaries and expenses of the Executive and Judicial Departments of the State, the salaries and expenses of all State Officers, Boards and Departments, and support and maintenance of the educational and charitable institutions of the state for the fiscal year ending June 30, 1920, and the fiscal year ending June 30, 1921.

Section 2. SECRETARY OF STATE'S OFFICE.

	1919-20	1920-21
For additional salary of assistant secretary.....	\$	\$ 520.00
For additional salaries of employees		720.00

Section 3. AUDITOR'S OFFICE.

For additional salaries and equipment.....	\$ 2,500.00
For additional salary deputy auditor.....	520.00

Section 4. TREASURER'S OFFICE.

For additional salary, deputy treasurer.....	520.00
For additional salary, bookkeeper	600.00

Section 5. COMMISSIONER OF SCHOOL AND PUBLIC LANDS.

For additional salaries of deputy and forest supervisor, clerks, stenographers, timber scaler and other employees	\$ 2,160.00
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Section 6. ATTORNEY GENERAL'S OFFICE.

For additional salaries for assistants, brief attorney and stenographers	\$ 2,610.00
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Section 7. EXECUTIVE ACCOUNTANT'S OFFICE.

For additional salary of executive accountant.....	\$ 600.00
For additional assistant and for expenses of assistant and stenographer	3,000.00

Section 8. BOARD OF RAILROAD COMMISSIONERS.

For additional salaries of employees, assistant secretary, stenographers, statistician, engineer, rate expert and official reporter.....	\$ 2,240.00
Maintaining Washington representative.....	750.00
Maintaining Washington representative.....	\$ 750.00
Additional salaries of Commissioners.....	1,600.00
Additional salary, secretary	520.00

Section 9. STATE BOARD OF HEALTH.

For additional salary of assistant superintendent, stenographers, office maintenance, equipment, stationery, clerical work, special assistance, traveling expenses, and incidentals	\$ 8,000.00
For additional for printing and necessary publications	2,000.00
For additional division of medical licensure.....	400.00
Additional for division of venereal diseases.....	1,906.12

Section 10. DEPARTMENT OF BANKING AND FINANCE.

For additional salary of Superintendent of Banks.....	\$ 1,500.00
For additional salary of deputy	20.00

Section 11. TAX COMMISSION.

For additional salary, secretary	\$ 520.00
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Section 12. FOOD AND DRUG DEPARTMENT.

For additional traveling expenses of inspectors.....	\$ 1,200.00
For additional salary of commissioner.....	\$ 1,100.00

Section 13. STATE ENGINEER.		
For additional salary state engineer and deputy.....	\$	1,600.00
For heating engineer		2,500.00
Section 14. SUPREME COURT.		
For additional salaries of stenographers	\$	900.00
For additional salary and expense of reporter.....		350.00
Section 15. SUPERINTENDENT OF PUBLIC INSTRUCTION.		
For additional salaries and expenses for Americanization work	\$	1,500.00
For additional maintenance and salary of employees		11,575.00
For additional salary of deputy superintendent.....		520.00
Section 16. COLLEGE OF AGRICULTURE AND MECHANIC ARTS.		
For maintenance and salaries	\$21,283.78	\$48,000.00
For salaries		78,410.00
For salaries at sub-stations		960.00
For repair of heating plant		25,000.00
For agricultural and home economics extension work under code sections 7951 to 7963 to provide increase in 39 counties and for 10 new counties		27,805.00
Section 17. SCHOOL OF MINES.		
For additional salaries		\$26,113.60
Section 18. STATE MINE INSPECTOR.		
Additional for expense fund	\$	250.00
Section 19. STATE UNIVERSITY.		
Additional salaries		\$60,000.00
Maintenance		35,000.00
Section 20. DEPARTMENT OF IMMIGRATION.		
For maintaining employment offices	\$	5,000.00
Section 21. MADISON NORMAL SCHOOL.		
Additional for salaries		\$16,000.00
Maintenance		9,000.00
Section 22. SPEARFISH NORMAL SCHOOL.		
Additional for salaries		\$30,000.00
Section 23. SPRINGFIELD NORMAL SCHOOL.		
Additional for salaries		\$12,500.00
For summer school		1,000.00
Section 24. NORTHERN NORMAL AND INDUSTRIAL SCHOOL.		
Additional for salaries		\$56,901.00
Additional for maintenance	\$10,000.00	
Section 25. SOLDIERS' HOME.		
Moving and enlarging ice house	\$	1,500.00
Additional for maintenance	\$	8,000.00
Additional for salaries	1,500.00	10,000.00
For rebuilding boilers		4,200.00
For rebuilding coal sheds		4,300.00
For purchasing fire hose		405.00
For rebuilding milk and cold storage rooms		1,250.00
For rebuilding laundry and machine shop		2,800.00
Section 26. DEPARTMENT OF HISTORY.		
For additional salaries, secretary and superintendent	\$	1,000.00
Laws—2.		

Section 27. HOME FOR THE FEEBLE MINDED.	
Additional for maintenance	\$ 6,500.00
Section 28. FREE LIBRARY COMMISSION.	
For additional salaries	\$ 675.00
Section 29. LIVE STOCK SANITARY BOARD	
Tuberculosis indemnity	\$10,000.00
Additional tuberculosis indemnity including claims on which waiver was signed	\$13,108.33
Additional salary of superintendent	\$ 500.00
Additional salary of secretary	500.00
Section 30. WOMEN'S INVESTIGATION COMMITTEE	
For additional per diem and expense	646.80
Section 31. DEPUTY INDUSTRIAL COMMISSIONER	
For additional salary	600.00
Section 32. All amounts herein appropriated shall be used for the specific purpose herein mentioned and no other. Salaries of State offi- cers shall be payable in equal monthly installments. Salaries of em- ployees, where the amount appropriated is for a year, shall be paid in monthly installments, and no greater sum than one-twelfth of such amount shall be paid for any one month except with the written appro- val of the Governor. The State Auditor shall issue warrants on itemized and approved vouchers filed in his office, but no warrant shall be issued to or for any person, department or institution or any fund for any de- partment or institution in excess of the appropriation specially made herein, except as provided by the provisions of this Act or other Acts, or may hereafter be provided by law.	
Section 33. In all cases where the amount allowed by this Act in- creases the compensation of any officer or employee to more than the amount allowed by statute, such officer or employee shall nevertheless be entitled to such additional compensation allowed by this Act for the period for which these appropriations are made, any statute fixing the salary or compensation of such officer or employee to the contrary not- withstanding.	
Section 34. Whereas, this Act is necessary for the immediate sup- port of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.	
Approved June 30, 1920.	

CHAPTER 9.

(H. B. 20.)

FOR E. W. HALL, COUNTY AGENT.

AN ACT Entitled, An Act Appropriating Money to Pay the Claim of E. W. Hall for
Expense Incurred as County Agent of Spink County, and Declaring an Em-
ergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of the Spink County
Agricultural Supervision Fund to E. W. Hall the sum of \$56.81 to pay the
claim of E. W. Hall for expense incurred in the discharge of his duties
as County Agent of Spink County, said claim not having been heretofore

paid for the reason that there has not been money available in the said fund heretofore to pay same.

Section 2. Whereas, this Act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved July 3, 1920.

CHAPTER 10.

(S. B. 25.)

FOR HIPPLE PRINTING CO., FOR AGRICULTURAL STATISTICS BLANKS.

AN ACT Entitled, An Act to appropriate Money to Complete the Payment for Agricultural Statistics Blank Books for the Year 1920, Furnished to the Tax Commission by Hipple Printing Company, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the Treasury of the State of South Dakota not otherwise appropriated, the sum of eighty-five dollars and eighteen cents (\$85.18) for the purpose of completing the payment of balance due on the voucher of Hipple Printing Company of Pierre, South Dakota, for one hundred seventy-six dollars and twenty-five cents (\$176.25) for thirty-two hundred Agricultural Statistics Books for the year 1920, furnished to the Tax Commission.

Section 2. Whereas, this Act is necessary for the support of the State Government, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved July 3, 1920.

CHAPTER 11.

(H. B. 23.)

FOR HIPPLE PRINTING CO., BOARD OF HEALTH NOTICES.

AN ACT Entitled, An Act Appropriating Money to the Hipple Printing Company to Compensate Said Company for Publication of Certain Official Notices for the State Board of Health, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated to the Hipple Printing Company the sum of \$143.95 to pay the claim of the said publishing company of Pierre, South Dakota, for publishing certain official notices for the State Board of Health, which claim was not paid by reason of the fact that money appropriated for same had reverted to the Treasury before said claim was presented.

Section 2. Whereas, this Act is necessary for the support of the

State Government and its existing institutions, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved July 3, 1920.

CHAPTER 12.

(S. B. 62.)

FOR LEGISLATIVE EXPENSES, SPECIAL SESSION, 1920.

AN ACT Entitled, An Act Appropriating Money for the Per Diem and Mileage and Salary of the President and Members of the Senate and House of Representatives of the 1920 Special Legislative Session of the State of South Dakota, and for the Secretary of the Senate and Chief Clerk of the House of Representatives and for the Per Diem and Mileage of the Officers and Sub-employees of Both Branches of the Legislature, and for Rental of Typewriters for the Nineteen Twenty Special Session, Legislative Supplies, and for Expenses Incurred During the Legislative Session for Extra Janitors, Engineers, Firemen, Elevator Operators, Etc., Also for Additional Pay to Regular Force and for Supplies and Other Incidentals for the Nineteen Twenty Special Session, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of the general fund of the State the following sums for the purpose of paying the per diem and mileage and salaries of the president and members of the Senate and House of Representatives of the Nineteen Twenty Special Session of the State of South Dakota, and for the Secretary of the Senate and the Chief Clerk of the House of Representatives, and for the per diem and mileage of the officers and sub-employees of both branches of the Legislature and for rental of typewriters, Legislative supplies, and for expenses incurred during the Legislative Session for extra janitors, engineers, firemen, elevator operators, etc., also for additional pay to regular force, and for supplies and other incidentals for the Nineteen Twenty Special Session of the Legislature.

Mileage of members of the Senate including Lieut. Governor	\$1,025.90
Mileage of employees of the Senate	155.70
Per diem, members of the Senate	1,935.00
Per diem, Lieut. Governor	90.00
Per diem of Senate employees	967.00
Per diem, members of the House	1,215.00
Per diem, House employees	1,176.00
Mileage of members of the House	2,238.75
Mileage of House employees	200.25
Secretary of Senate, indexing, comparing, correcting and writing Journal of Senate in permanent form and furnishing same to printer	25.00
Chief Clerk of the House of Representatives indexing, comparing, correcting and writing Journal of House of Representatives in permanent form and furnishing same to printer	25.00
Rental of typewriters for the use of Senate	30.00
Rental of typewriters for the use of House	45.00
For expenses incurring during the Legislative Session for extra janitors, engineers, firemen, elevator operators, etc., also for additional pay to regular force and for supplies and other incidentals for the Nineteen Twenty Special Session	100.00

Section 2. In order that payment to employees and members of the Legislature as above provided may be made during the session and at the close of the session as reported by the Joint Committee on dates set for payment, an emergency does exist and is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

EXECUTIVE CHAMBERS.

June 28, 1920.

I have the honor to report that I have approved Senate Bill No. 62, An Act entitled: "An Act appropriating money for the per diem and mileage and salary of the President and Members of the Senate and House of Representatives of the 1920 Special Legislative Session of the State of South Dakota, and for the Secretary of the Senate and Chief Clerk of the House of Representatives and for the per diem and mileage of the officers and sub-employees of both branches of the legislature and for rental of typewriters for the nineteen twenty special session, legislative supplies and for expenses incurred during the legislative session for extra janitors, engineers, firemen, elevator operators, etc., also for additional pay to regular force and for supplies and other incidentals for the nineteen twenty special session, and declaring an emergency," with the exception of the following items which are hereby expressly disapproved and vetoed:

In Section 1, appropriating money for the payment of mileage of the employees of the Senate and the House of representatives the two items are disapproved and vetoed, namely: "Mileage of the employees of the Senate \$155.70," and "Mileage of House Employees \$200.25," for the reason that these items are made up—in part—of amounts which are not a proper charge. I will admit that the officers and even the employees of a regular session would be entitled to their mileage, but those employed only for this short session are on a different basis.

We are too liberal in spending the public money. Waste and extravagance cannot always be avoided, but the payment of parts of these items is not warranted from any standpoint. A pernicious practice should not be permitted to grow.

Respectfully,

PETER NORBECK.

Governor.

CHAPTER 13.

(H. B. 26.)

FOR SCHOOL AID TO STANLEY COUNTY.

AN ACT Entitled, An Act Appropriating Money to Stanley County, South Dakota. Money Apportioned Said Stanley County as Aid to Common Schools, but Which Was Never Paid, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of \$109.57 to Stanley County, South Dakota, said money having been apportioned to said Stanley County under the provisions of Chapter 36, Laws of 1917, for aid to common schools, said claim never having been paid.

Section 2. Whereas, this Act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved July 3, 1920.

CHAPTER 14.

(S. B. 16.)

FOR DEFICIENCY, SCHOOL FOR BLIND.

AN ACT Entitled, An Act Appropriating Money for Deficiency in Maintenance of the South Dakota School for the Blind, Represented by an Emergency Certificate of the Governor, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of five thousand one hundred dollars (\$5,100), or so much thereof as may be necessary to pay an emergency certificate and interest thereon to date of redemption issued by the Governor of the State, according to law, on April 23rd, 1920, for deficiency in maintenance for the South Dakota School for the Blind.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved June 29, 1920.

CHAPTER 15.

(S. B. 17.)

FOR DEFICIENCY, SCHOOL AND HOME FOR FEEBLE MINDED.

AN ACT Entitled, An Act Appropriating Money for Deficiency in Maintenance for the School and Home for the Feeble Minded, Represented by an Emergency Certificate of the Governor, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of fifteen thousand six hundred dollars (\$15,600), or so much thereof as may be necessary to pay an emergency certificate and interest thereon to date of redemption, issued by the Governor of the State, June 3rd, 1920, for deficiency in maintenance for the School and Home for the Feeble Minded.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved June 29, 1920.

CHAPTER 16.

(S. B. 32.)

FOR SECRETARY OF STATE'S OFFICE.

AN ACT Entitled, An Act to Appropriate Additional Funds for the Office of the Secretary of State to Provide for Legislative Supplies for the Use of the Legislature at the Special Session of 1920, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. In addition to the funds provided by Section 3 of Chapter 15 of the Laws of 1919 for the Secretary of State's office for stationery, office supplies, extra help during legislature, etc., there is hereby appropriated, out of any moneys in the Treasury of the State not otherwise appropriated, the sum of six hundred twenty-one dollars and fifty cents to pay for legislative supplies purchased through the office of the Secretary of State for the use of the Legislature during the Special Session of 1920. Said funds to be paid out in like manner as other funds appropriated for the same purpose by said Section 3 of Chapter 15 of the Laws of 1919.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved June 29, 1920.

CHAPTER 17.

(S. B. 13.)

FOR DEFICIENCY, SOLDIERS' HOME.

AN ACT Entitled, An Act Appropriating Money for Deficiency in Maintenance for the State Soldiers' Home for the Fiscal Year Ending June 30th, 1920, and to Pay an Emergency Certificate Issued Therefor, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of seven thousand two hundred dollars (\$7,200.00), or so much thereof as may be necessary to pay an emergency certificate and interest thereon to date of redemption, issued by the Governor of the State, according to law, on April 1st, 1920, for deficiency in the maintenance of the State Soldiers' Home for the fiscal year ending June 30th, 1920.

Section 2. Whereas this Act is necessary for the immediate support of the State Government and its existing institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved June 29, 1920.

CHAPTER 18.

(H. B. 51.)

FOR RELIEF OF SOLDIERS AND SAILORS.

AN ACT Entitled, An Act Appropriating Money to Be Used in Giving Temporary Aid, Medical, Surgical and Hospital Services to the Maimed and Disabled Soldiers and Sailors of the Late World War Against the Teutonic Powers; to Obtain, Publish and Disseminate Information as to the National Legislation for the Relief and Benefit of Such Persons, Their Vocational Training and Government Insurance; to Ascertain the Persons Entitled Thereto; to Pay the Compensation and Expenses of the Persons Employed in Carrying Out the Provisions of This Act, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, the sum of fifteen thousand dollars, or so much thereof as may be necessary to be used for the purpose of furnishing temporary aid and assistance, through medical aid, or surgical or hospital services, or otherwise, to maimed and disabled soldiers and sailors of the late World War against the Teutonic Powers; to obtain, publish and disseminate information as to national legislation for the relief and benefit of such persons, their vocational training and government insurance, and to ascertain what persons may be entitled thereto; and to pay the compensation and expenses of the persons employed to carry out the provisions of this Act. The State Auditor shall issue his warrant for the expenditures under this Act, upon itemized vouchers approved by the Governor.

Section 2. This appropriation shall be expended for the purposes herein authorized by a board consisting of the Governor, who shall be president, the Adjutant General, who shall be chairman, the Land Settlement Commissioner, and two other members to be appointed by the Governor. One of those members appointed shall be designated in his appointment as secretary of the board. The said board shall have authority to purchase the necessary supplies and employ the necessary assistants to carry out the provisions of this Act, and they may employ either one or both of the members appointed on the board for this purpose. Those persons employed shall receive their actual and necessary expenses while engaged in the performance of the duties imposed upon them by the board under the authority of this Act, and shall, in addition thereto, receive a per diem, which in no case shall exceed the sum of six dollars.

Section 3. Whereas, this Act is necessary for the immediate preservation of the public peace, health and safety and for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved June 30, 1920.

CHAPTER 19.

(S. B. 22.)

FOR DEFICIENCY, SPEARFISH NORMAL.

AN ACT Entitled, An Act to Appropriate Money to Pay the Claim of Mullen & Rourke for a Balance Due for the Construction of a Power House at the Spearfish Normal School, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the Treasury of the State, not otherwise appropriated, the sum of one thousand dollars (\$1,000.00) to pay the claim of Mullen & Rourke of Deadwood, South Dakota, for a balance due for the construction of a power house in the year 1913. Said sum shall be paid upon vouchers approved by the Regents of Education.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist and the same shall be in force from and after its passage and approval.

Approved July 3, 1920.

CHAPTER 20.

(S. B. 30.)

FOR DEFICIENCY, SPEARFISH NORMAL.

AN ACT Entitled, An Act to Appropriate Money to Pay the Claim of the Williams Piano Company for Pianos Purchased from Said Company for the State Normal School at Spearfish, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the Treasury of the State, not otherwise appropriated, the sum of one thousand one hundred seventy dollars to pay the claim of the Williams Piano Company, for pianos purchased from said company for the use of the Spearfish Normal School. Said sum shall be paid upon vouchers approved by the Regents of Education.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved July 3, 1920.

CHAPTER 21.

(S. B. 6.)

FOR STATE BUDGET BOARD.

AN ACT Entitled, An Act to Appropriate Money to Compensate Certain Members of the Senate and House Appropriation Committees for Attendance upon the Meeting for the Budget Board, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, the following sums to the following named persons, respectively, to compensate them for attendance at the meeting of the State Budget Board:

To O. P. J. Engstrom	\$25.00
To A. M. Moore	25.00
To J. O. Wickre	64.28
To J. C. Rounds	15.00
To E. W. Anderson	28.70
To C. J. Carlson	10.00
To A. W. Hoffman	20.00

Said amounts to be paid out of the State Treasury in the same manner that other Legislative expenses are paid.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved July 3, 1920.

CHAPTER 22.

(S. B. 29.)

FOR POWER PLANT, STATE CAPITOL.

AN ACT Entitled, An Act to Authorize the Installation of an Engine and Generator in the State House Power Plant, Providing Funds Therefor, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That the State Capitol Commission be and is hereby authorized to install in the State House power plant an additional engine and generator; and there is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, the sum of eight thousand dollars, which sum, or such portion thereof as may be necessary, shall be expended by the State Capitol Commission for the purchase and installation of said engine and generator. Said funds shall be expended in the same manner as now provided by law for the payment of funds appropriated for the improvement and maintenance of the State Capitol.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved July 2, 1920.

CHAPTER 23.**(H. B. 28.)****FOR LIABILITY OF STATE UNDER WORKMEN'S COMPENSATION LAWS.**

AN ACT Entitled, An Act Appropriating Money for the Payment of Claims Against the State of South Dakota of State Officers and Employees Arising Under Section 9451 of the Revised Code of 1919, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of two thousand dollars (\$2,000.00), for the use of the Industrial Commissioner in paying any claims against the State of State officers or employees arising under Section 9451 of the Revised Code of 1919. The moneys herein appropriated shall be paid out on warrants of the State Auditor issued upon duly authenticated vouchers approved by the Industrial Commissioner.

Section 2. Whereas, this Act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved June 30, 1920.

CHAPTER 24.**(S. B. 15.)****FOR PAVING ASSESSMENTS STATE COLLEGE OF AGRICULTURE, ETC.**

AN ACT Entitled, An Act Appropriating Money to Pay the Paving Assessments Against the Property of the State Used in Connection with the State College of Agriculture and Mechanic Arts, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of eighteen thousand, one hundred dollars or so much thereof as may be necessary for the purpose of paying the assessments levied against the property of the State used in connection with the State College of Agriculture and Mechanic Arts at Brookings, South Dakota, for pavements constructed by the City of Brookings to be expended by the Regents of Education.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved July 3, 1920.

CHAPTER 25.

(S. B. 20)

FOR ACQUIRING AND IMPROVING SYLVAN LAKE.

AN ACT Entitled, An Act Appropriating Money for Acquiring Title to Real Property for State Park Purposes and the Improvement Thereof, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of thirty-eight thousand (\$38,000.00) dollars, or so much thereof as may be necessary, to be used for the purpose of purchasing the Sylvan Lake property, consisting of three hundred and thirty (330) acres or thereabouts and improvements appurtenant thereto, situate in township two south of range five east of the Black Hill Meridian in Custer County, South Dakota, and there is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the further sum of twelve thousand (\$12,000) dollars to improve said property for State Park purposes, and the State Auditor shall issue warrant upon the State Treasurer in payment of such amounts hereby appropriated upon authorized vouchers, properly approved by the Custer State Park Board and upon presentation of said warrants, the State Treasurer is hereby authorized to pay the same.

Section 2. Whereas, there are no funds available for the aforesaid purchase and improvements of such property, and whereas, it is deemed necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist and this Act shall be in full force and effect after its passage and approval.

Approved June 30, 1920.

CHAPTER 26.

(H. B. 57)

FOR WILL A. BEACH PRINTING CO.

AN ACT Entitled, An Act Authorizing the Payment of the Claim of Will A. Beach Printing Company for Supplies Furnished the Superintendent of Public Instruction, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. The State Auditor is hereby authorized and directed to issue warrants for the amount of three hundred forty-eight dollars and eighty-eight cents (\$348.88) upon the Stationery, Supplies and Incidentals Fund, available for the fiscal year 1920-21, as provided for in Section 25, Chapter 15 of the Session Laws of 1919, to Will A. Beach Printing Company for stationery and supplies furnished the Superintendent of Public Instruction upon properly itemized vouchers approved by the Superintendent of Public Instruction, and the State Treasurer is hereby authorized to pay the same.

Section 2. Whereas, this Act is necessary for the immediate sup-

port of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved June 30, 1920.

CHAPTER 27.

(S. B. 14.)

FOR YANKTON STATE HOSPITAL.

AN ACT Entitled, An Act Appropriating Money for Improvements and Equipment and Furnishings at the State Hospital for Insane at Yankton, South Dakota, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of twenty-five thousand dollar (\$25,000) for the purpose of erecting a root cellar and for purchasing furniture for the Women's Infirmary, both at the State Hospital for the Insane at Yankton, South Dakota, to be expended by the State Board of Charities and Corrections, in the following amounts:

For erecting a root cellar, ten thousand dollars (\$10,000).

For purchasing furniture for the State Women's Infirmary, fifteen thousand dollars (\$15,000).

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved July 3, 1920.

Assessment and Taxation

CHAPTER 28.

(H. B. 55)

RELATING TO COUNTY BRIDGE LEVY.

AN ACT Entitled, An Act to Amend Paragraph 6 of Section 6749 of the South Dakota Revised Code of 1919, Relating to the Levy for County Bridges, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Paragraph 6 of Section 6749 of the South Dakota Revised Code of 1919 is hereby amended to read as follows:

6. For County bridges such an amount as will necessitate a rate per cent not greater than one and a half mills. Provided, that the Board

may by unanimous vote in case of necessity, levy an amount which will require a rate per cent of levy not exceeding three mills, and provided further that the total limitations for County levy as provided in Section 6737 of the Revised Code of 1919 shall not be construed to prohibit the levy herein referred to.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved June 30, 1920.

CHAPTER 29.

(S. B. 38)

RELATING TO TAXING OF REAL ESTATE MORTGAGES.

AN ACT Entitled, An Act to Amend Section 10, Chapter 113 of the Session Laws of 1919, Relating to Registry Taxes on Real Estate Mortgages, and Providing for the Payment into the State Treasury in Certain Cases, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 10, Chapter 113 of the Session Laws of 1919, be and the same is hereby amended to read as follows:

Section 10. The Register of Deeds shall keep a mortgage recording tax book to be provided by the County, and which shall be a part of the records of his office, in which shall be entered each and every registry mortgage tax received by him as such, and shall within three days after the expiration of each calendar month, and also at the end of his term of office, file with the County Auditor a statement under oath, showing the registry taxes which he has received as such officer since the date of his last report, or the beginning of his term of office, and shall also within three days after the expiration of each calendar month deposit with the County Treasurer the total amount of such taxes; except, however, that when the tax on any one mortgage shall exceed two hundred dollars (\$200.00) the Register of Deeds shall immediately transmit the said excess to the State Treasurer and the same shall belong to and be a part of the General Revenue Fund of the State. Any Register of Deeds who shall omit to collect the taxes as provided in this Act, or shall fail to keep a record of the same, or to make a correct statement thereof to the County Treasurer, or to pay over the said taxes to said County Treasurer or State Treasurer with intent to evade the provisions of this Section shall be deemed guilty of a felony.

Section 2. Whereas, this Act is necessary for the support of the State Government, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved July 3, 1920.

Attorneys and Counselors at Law

CHAPTER 30.

(S. B. 7)

RELATING TO PRACTICE BY COUNTY JUDGES AND CLERKS OF COURT.

AN ACT Entitled, An Act to Amend Section 4406 of the South Dakota Revised Code of 1919, Relating to County Judges and Clerks of Courts, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 4406 of the South Dakota Revised Code of 1919, is hereby amended to read as follows:

Section 4406. Practice by Clerks and County Judges. It shall be unlawful for any Clerk of Courts or County Judge to act as an attorney or counselor at law in any case or matter which is or may be brought into his Court, or which may be appealed therefrom, or to directly or indirectly charge or receive any compensation for such service, except such fees as are allowed by law. Any person violating any provision of this Section shall be guilty of a misdemeanor.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved June 30, 1920.

Banks and Banking

CHAPTER 31.

(H. B. 15)

RELATING TO COLLECTION AND EXCHANGE FEES ON CHECKS, DRAFTS, ETC.

AN ACT Entitled, An Act to Regulate Exchange Charges; to Prohibit Notaries from Protesting Unpaid Items; to Prevent the Embarrassment of the State Banks, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That the banks of this State may charge a service fee for collecting and remitting by exchange or otherwise checks, drafts, bills, etc., commonly known as "cash items", and the banks of this State may make such charge when such "cash items" are presented to the payer bank for payment through any bank, banker, trust company,

Federal Reserve Bank, postoffice, express company, or any collectors agency, or by other agency whatsoever; and the amount of such charge is hereby fixed at one-tenth of one per cent of the total amount of such cash items so presented and paid at any one time, and not less than ten cents on any one transaction, provided, however, that no such charge can be made by banks for collecting a check presented to said banks where the check is drawn on any bank in the same municipality, city, town or village and does not bear an out-of-town endorsement.

Section 2. That any officer or Notary Public who shall protest checks for non-payment where payment is refused solely on account of the presenter's refusal to pay exchange, shall be guilty of a misdemeanor, and there shall be no right of action either in law or in equity against any bank in this State for a refusal to pay such cash item when such refusal is based alone on the ground of the non-payment of such exchange.

Section 3. That whenever one or more checks on any bank in the hands of a single holder or holders for an aggregate sum exceeding amount of such bank's legal reserve required to be kept in its vaults shall be presented on the same date and payment thereof demanded, the said bank may elect to make such payment in exchange instead of cash.

Section 4. Whereas, this Act is necessary for the immediate support of existing institutions in this State, an emergency is declared to exist and this Act shall take effect and be in force from and after its passage and approval.

Approved July 3, 1920.

CHAPTER 32.

(H. B. 1)

RELATING TO PAYMENT OF INTEREST ON DEPOSITS.

AN ACT Entitled, An Act to Amend Section 9014 of the South Dakota Revised Code of 1919, Relating to Banks and Banking and Interest on Deposits.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Section 9014 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 9014. No bank transacting a banking business under this Chapter shall pay interest on deposits, directly or indirectly, at a greater rate than five per cent per annum, unless authorized by the Depositors Guaranty Fund Commission, and in no case to exceed six per cent per annum; such Commission shall have authority to grant permission to pay such higher rate, but the rate shall be uniform within any County. Any officer, director, or employee of a bank violating the provisions of this Section, directly or indirectly, shall be deemed guilty of a felony and upon conviction thereof shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment in the State Penitentiary for not less than one year nor more than three years, or by both such fine and imprisonment.

Section 2. Whereas, the provisions contained in this Act are for the protection of banks and banking institutions, organized under State laws and operating under charters issued by the State, and are necessary

for the immediate preservation of the Government and its existing public institutions, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Approved June 26, 1920.

Bridges

CHAPTER 33.

(S. B. 49)

RELATING TO EMERGENCY BRIDGES.

AN ACT Entitled, An Act to Permit County Commissioners to Make Extraordinary Expenditures to Meet Emergencies in Case of Flood, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Whenever an emergency arises requiring immediate expenditure for the repair or rebuilding of bridges and approaches to bridges, when such bridges and approaches to bridges are required to be built immediately, and on such short time that in the judgment of the Board of County Commissioners the people would be seriously inconvenienced in awaiting the regular advertising for bids for such building and rebuilding of bridges and approaches, the Board of County Commissioners may enter into contract for any such building or rebuilding of bridges and approaches to bridges without advertising for the letting of any contract therefor.

Section 2. If there is not sufficient funds in the Road and Bridge Fund of any County for the payment of such work the County Commissioners are hereby authorized to issue emergency warrants based upon the assessments made and contemplated for road and bridge work.

Section 3. That before any contract is let by any Board of County Commissioners under this Act the necessity for such emergency contract must first be approved by the State Highway Commission and any contract let hereunder must in all respects be first approved by the said State Highway Commission.

Section 4. Whereas, the late floods have seriously damaged the bridges and approaches thereto and highways in many counties of the State to such extent that under existing laws the Counties cannot rebuild their bridges and approaches, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved June 30, 1920.

Constitutional Amendments

CHAPTER 34.

(S. J. R. 2)

PROPOSING AMENDMENT OF SECTION 4, ARTICLE XIII.

A JOINT RESOLUTION Proposing and Agreeing to an Amendment of Section 4, of Article 13, of the State Constitution, and Submitting the Same to a Vote of the People:

Be It Resolved by the Senate of the State of South Dakota, the House of Representatives Concurring:

That the following amendment of Section 4, of Article 13, of the Constitution of the State of South Dakota, which is hereby agreed to, be and the same hereby is submitted to a vote of the people at the next general election, as follows, to-wit:

4. The debt of any county, city, town, school district, civil township or other subdivision, shall never exceed five (5) per centum upon the assessed valuation of the taxable property therein, for the year preceding that in which said indebtedness is incurred. In estimating the amount of indebtedness which a municipality or subdivision may incur, the amount of indebtedness contracted prior to the adoption of the Constitution shall be included:

Provided, that any county, municipal corporation, civil township, school district, or other subdivision may incur an additional indebtedness, not exceeding ten per centum upon the assessed valuation of the taxable property therein, for the year preceding that in which said indebtedness is incurred, for the purpose of providing water and sewerage, for irrigation, domestic uses, sewerage and other purposes, and sites and buildings for school and educational purposes generally; and

Provided, further, that in a city where the population is eight thousand or more, such city may incur an indebtedness not exceeding eight per centum upon the assessed valuation of the taxable property therein for the year next preceding that in which said indebtedness is incurred for the purpose of constructing street railways, electric lights or other lighting plants.

Provided, further, that no county, municipal corporation, civil township, district or subdivision shall be included within such district or subdivision without a majority vote in favor thereof of the electors of the county, municipal corporation, civil township, school district or other subdivision, as the case may be, which is proposed to be included therein, and no such debt shall ever be incurred for any of the purposes in this Section provided, unless authorized by a vote in favor thereof by a majority of the electors of such county, municipal corporation, civil township, school district or subdivision incurring the same.

CHAPTER 35.**(H. J. R. 2)****PROPOSING NEW SECTION 17 TO ARTICLE XIII.**

A JOINT RESOLUTION Proposing and Agreeing to an Amendment to Article No. XIII of the Constitution of this State of South Dakota, Authorizing the State to Establish and Maintain a System of Credits for Assisting in the Building of Homes by the People of the State, and Submitting the Same to a Vote of the People.

Be It Resolved by the House of Representatives of the State of South Dakota, the Senate Concurring:

Section 1. That at the next general election in this State, Article XIII of the Constitution of this State be amended by adding thereto Section No. 17, which is hereby agreed to and which shall be submitted to the electors of the State for their approval, for the purpose of authorizing the State to establish and maintain a system of credits for assisting in the building of homes by the people of the State, in language as follows:

Section 17. The State may establish and maintain a system of credits for assisting in the building of homes by the people of the State, and therefor may loan money and extend credit to the people of the State upon real estate security in such manner and upon such terms and conditions as may be prescribed by general law. The limitations and provisions regarding the incurring of indebtedness elsewhere found in the Constitution shall not apply to this Section, but the Legislature shall, at the time of incurring any indebtedness hereunder, provide for discharging same.

CHAPTER 36.**(S. J. R. 3)****PROPOSING NEW SECTION 18 TO ARTICLE XIII.**

A JOINT RESOLUTION Proposing and Agreeing to an Amendment to Article No. XIII of the Constitution of the State of South Dakota, Authorizing the Legislature to Incur Indebtedness for Compensating Honorably Discharged Soldiers, Sailors and Marines of the Recent World's War or Other Wars of the United States and Persons Engaged Therein in War Relief Work, Including Former American Citizens Who Served the Allied Powers in the World's War and Have Been Honorably Discharged and Repatriated, for Their Services During Such Period, and Submitting the Same to a Vote of the People.

Be It Resolved by the Senate of the State of South Dakota, the House of Representatives Concurring:

Section 1. That at the next general election in this State there shall be submitted to a vote of the people a proposed amendment to the Constitution of this State, which is hereby agreed to, by adding to Article XIII a new Section to be known as Section No. 18 of said Article XIII, in language as follows:

Section 18. The Legislature shall be authorized to provide by law for compensating honorably discharged soldiers, sailors, marines, and

others, who have served with the armed forces of the United States, or who have engaged in war relief work in the World's War, or other wars of the United States, including former American citizens, who served in allied armies against the Central Powers in the World's War and who have been honorably discharged and repatriated; such compensation not to exceed the sum of fifteen dollars per month for the period of such service. For this purpose the Legislature may use the credit of the State, and any indebtedness created for this purpose shall not be a part of the indebtedness authorized or limited by other provisions of the Constitution; provided, that the amount of all indebtedness created by the State for the purposes specified in this Section shall not exceed six million dollars.

Corporations

CHAPTER 37.

(H. B. 54)

RELATING TO CO-OPERATIVE ASSOCIATIONS.

AN ACT Entitled, An Act to Amend Section 8849 of the Revised Code of 1919 as Amended by Section 1 of Chapter 140 of the Laws of 1919, Relating to Co-operative Associations.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 8849 of the Revised Code of 1919 as amended by Section 1, of Chapter 140 of the Laws of 1919 is hereby amended to read as follows:

Section 8849. Division of Profits. The directors, subject to a revision by the association at any regular or special meeting, shall apportion the net earnings as follows:

1st. By paying interest on the paidup capital stock not exceeding ten per cent per annum.

2nd. Then by setting aside ten per cent of the net profits per annum for a reserve fund, until an amount has accumulated in said reserve fund equal to the paidup capital stock.

3rd. Then by setting aside an amount not less than one per cent nor more than five per cent of the net profits as an educational fund to be used in teaching co-operation.

4th. The balance of such net earnings may be apportioned among the stockholders or stockholders and patrons as provided in the by-laws of the association in proportion to the amount of business transacted between the association and its stockholders; or stockholders and patrons.

In productive associations such as creameries, canneries, elevators, factories and such other associations of this class dividends shall be upon raw material furnished instead of goods purchased. But in case the association is both a productive and selling concern the distributed dividend may be on both raw material delivered and goods purchased.

Approved June 30, 1920.

Counties

CHAPTER 38.

(S. B. 35)

RELATING TO COUNTY CONSTABLES AND JUSTICES OF THE PEACE.

AN ACT Entitled, An Act to Amend Sections 5217 and 6026 of the South Dakota Revised Code of 1919, Relating to County Justices of the Peace and County Constables and providing for the Election Thereof, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 5217 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 5217. Election of County Justices. Except as otherwise provided, there shall be elected in each organized county in the State, four Justices of the Peace, who shall possess the qualifications of electors and who shall be chosen at the general election and shall hold office for a term of two years, and until their successors are elected and qualified. The Board of County Commissioners of each organized county having territory therein which is not organized into civil townships shall divide such territory into such number of districts, not exceeding eight, as it shall deem advisable, from each of which districts there shall be elected, by the electors thereof, at each general election, one Justice of the Peace, who shall serve for the term of two years.

Section 2. That Section 6026 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 6026. Election. Except as otherwise provided, there shall be elected in each organized county in the State, four constables, who shall possess the qualifications of electors and who shall be chosen at the general election and shall hold office for a term of two years, and until their successors are elected and qualified, and who shall qualify in the same manner as provided in Section 6071 for township Constables. The Board of County Commissioners of each organized county having territory therein which is not organized into civil townships shall divide such territory into such number of districts, not exceeding eight, as it shall deem advisable, from each of which districts there shall be elected, by the electors thereof, at each general election, one Constable, who shall serve for a term of two years.

Section 3. Whereas, this Act is necessary for the immediate support of the State Government and its existing institutions, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

NOTE BY THE SECRETARY OF STATE: The foregoing Act, having been presented to the Governor of this State for his approval, and not having been returned by him to the House of the Legislature in which it originated, or to the Secretary of State with his objections, within the time prescribed by the Constitution, has become a law without his approval.

C. A. BURKHART,
Secretary of State.

CHAPTER 39.

(H. B. 60)

AUTHORIZING TRANSFER OF FUNDS, FALL RIVER COUNTY.

AN ACT Entitled, An Act Authorizing the Board of County Commissioners of Fall River County to Transfer Funds from the County General Fund to the Road and Bridge Funds for the Purpose of Repairing Damages to Roads and Bridges Caused by Recent Floods in Fall River County, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Whereas, recent floods have caused heavy damages to the roads and to several of the bridges upon the highways in Fall River County, rendering such roads impassable, and there is not sufficient money remaining in the bridge and road fund of said county to repair such damage; and whereas, it appears that there is more money in the general fund of said county than is or will be needed for general county purposes during the current fiscal year; therefore the County Auditor and the County Treasurer of said Fall River County, acting under the authority and direction of the Board of County Commissioners, are hereby authorized and directed to transfer from the county general fund to the road and bridge funds of said county such amounts of money as may in the judgment of the Board of County Commissioners be required to repair the damaged roads and bridges of said county; provided, however, that there shall remain in the county general fund an amount sufficient for general county purposes for the current year.

Section 2. Whereas, this Act is necessary for the immediate preservation of the public safety and for the support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Approved July 3, 1920.

CHAPTER 40.

(H. B. 42)

AUTHORIZING COUNTIES TO ACQUIRE AND MAINTAIN PUBLIC PARKS.

AN ACT Entitled, An Act Authorizing and Empowering the Several Counties to Acquire by Gift, Purchase or Condemnation, Property to Be Used as Public Parks, to Improve and Maintain the Same and Providing the Method of Acquiring the Same and Payment of the Cost and Expenses and Maintenance Out of Public Funds.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. The acquiring, improving and maintaining of public parks by counties is hereby declared to be a public purpose, and the Commissioners of the several counties are authorized and empowered to acquire for such purpose by gift, purchase or condemnation suitable property within their respective counties as hereinafter provided.

Section 2. When three hundred or more electors of any county

shall file with the County Auditor thereof a petition, setting forth that certain real property, therein described, within the county is desirable principally for its scenic or historical value, and that it would be to the benefit of the public that the same be acquired for a public park, the Auditor shall file the same and shall fix a day for hearing said petition by the County Commissioners, not less than twenty nor more than forty days from the filing thereof. Notice of such hearing shall be given under the hand of the County Auditor by publication in a legal newspaper published in such county at least once a week for three successive weeks prior to said hearing, such notice shall specify the time and place of such hearing and shall identify the property affected. If such property cannot be described as a Government subdivision, it shall be sufficient that the same be described in the petition and in the notice in general terms with reasonable certainty.

Section 3. Upon the date set for the hearing, the Commissioners shall hear all parties in favor of and against the granting of said petition and may, if they so desire, adjourn to inspect the premises in question. If they shall be satisfied that it will be to the best interests of the public that such property, or any part thereof, shall be acquired as a public park, they shall cause an accurate survey thereof to be made by the County Surveyor and a plat to be filed in the office of the Register of Deeds and shall proceed to acquire the property as hereinafter provided.

Section 4. If an agreement can be reached between the County and the owner of the property for a reasonable price for said property the County Commissioners shall pass a resolution for the purchase of the same. Such resolution shall contain a general description of said property including the acreage and the price for which the same is to be purchased, and shall be published in a legal newspaper published within the county at least once a week for two successive weeks.

Section 5. Such resolution shall not take effect and the purchase thereof shall not be consummated until twenty days after the first publication thereof, during which time any tax payers of the county may appeal to the Circuit Court of said county in the same manner as provided for taking an appeal from other acts of the County Commissioners, upon which appeal the Court shall make findings as to the desirability of the purchase and the reasonableness of the price.

Section 6. The Board of County Commissioners of any county shall have authority to acquire and condemn private property within the county for the uses and purposes authorized by this Act whenever and to the extent the same shall be deemed necessary for such purposes, and to pay for such property acquired and all property damaged out of any money in the county general fund within the limitations hereinafter fixed.

Section 7. In case the Board of Commissioners and the owners of the property sought to be acquired shall not agree upon the purchase price, and when such board shall deem it necessary to take, damage or condemn any private property for any of the purposes mentioned in this Act, it shall by proper resolution declare the necessity of such taking and damaging or condemnation, stating the purpose and extent thereof, and shall communicate such resolution to the States Attorney of the county and thereupon the proceedings to take, damage or condemn such property shall be had as provided in Chapter 8, Part 9, Title 2 of the South Dakota Revised Code, 1919, in the name of the county as plaintiff.

Section 8. Nothing in this Act shall be construed as authorizing or empowering the County Commissioners to expend under the provisions thereof a total amount exceeding one-third of one mill on the assessed

valuation of the property in the county and if upon condemnation proceedings, a judgment shall be entered in favor of the owner of the property for a sum which will cause said limitation to be exceeded or which the Commissioners shall deem excessive the costs of the proceeding, including a reasonable attorney fee for the owner, to be fixed by the Court, shall be taxed to and paid by the county and the proceeding shall be abated and the judgment canceled.

Section 9. In case of the purchase or acquisition by condemnation of the property, the Commissioners shall require the County Auditor upon the furnishing of a proper deed, together with an abstract of title to the premises and the approval thereof by the States Attorney to issue a warrant on the general fund for the amount of the purchase price of said property or the amount of the judgment in condemnation proceedings.

Section 10. The County Commissioners shall have charge of the improvement and maintenance of such public parks, the expenses thereof to be paid on their order by warrants upon the general fund.

Section 11. In case said property shall be offered to the county as a gift for such purpose, the Commissioners are authorized, if they deem it advisable, to accept such gift by resolution passed at a regular meeting or special meeting called for that purpose. In such case no notice of such meeting or resolution accepting such gift need be published.

Approved June 30, 1920.

CHAPTER 41.

(H. B. 40)

PERMITTING COUNTIES TO AID SOLDIERS' AND SAILORS' MEMORIAL.

AN ACT Entitled, An Act Permitting the Appropriation of Money by Counties to Aid in the Erection of the State Soldiers' and Sailors' Memorial.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. It shall be lawful for the Board of County Commissioners of any county in this State in its discretion to appropriate any sum of money not exceeding one-tenth of one mill upon each dollar of the assessed valuation of such county to aid in the construction of the State Soldiers' and Sailors' Memorial provided for by Chapter 323 of the Laws of 1919.

Section 2. County warrants for the sums so appropriated shall be issued in the manner provided by law for the issue of county warrants, and shall be transmitted by the County Auditors of the respective counties to the Governor.

Approved July 3, 1920.

County Commissioners

CHAPTER 42.

(H. B. 47)

RELATING TO COUNTY BUILDINGS.

AN ACT Entitled, An Act to Amend Section 5883 of the South Dakota Revised Code of 1919, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Section 5883 of the South Dakota Revised Code of 1919 is hereby amended to read as follows:

Section 5883. Board has power to erect buildings from current revenue; provisions for erection.

Such Board shall have authority to provide for the erection and repairing of court houses, jails, memorial buildings, which may contain an auditorium, and other necessary buildings, within and for the county, and to make contracts on behalf of the county for the building and repairing of the same; but no expenditure for the purpose herein named, greater than can be paid for out of the annual revenue of the county for the current year, together with the amount of any sinking fund theretofore provided for that purpose, shall be made unless the question of such expenditure shall have first been submitted to a vote of the qualified electors of such county and shall have been approved by a majority of the votes so cast; and the Board shall determine the amount and rate of taxes to be submitted to a vote for such purpose. Provided, that whenever the question of bonding the county for the purpose of building a court house, jail, memorial building or other county buildings shall have been submitted to a vote of the electors and such bond issue shall have been carried by a vote of the electors, then in addition to the proceeds raised from the sale of such bonds the Board may, whenever there remains in the treasury of such county an unexpended balance of any special fund and all claims against such fund have been fully paid or when there remains an unexpended balance of the general fund and all claims against such fund have been fully paid, in its discretion, apply the whole or any part of such accumulated funds to the purposes specified in this Section and it shall not be necessary to submit the question of such expenditure to the voters of the county.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved July 3, 1920.

Courts

CHAPTER 43.

(H. B. 12.)

RELATING TO FEES OF SHORTHAND REPORTERS.

AN ACT Entitled, An Act to Amend Sections 5188 and 5189 and 5190 and 5191 of the South Dakota Revised Code of 1919, Relating to Fees of Shorthand Reporters, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Section 5188 of the South Dakota Revised Code of 1919 be, and the same is hereby amended to read as follows:

Section 5188. Shorthand reporters shall be paid ten dollars per day for each day's attendance upon court, under the direction of the judge, out of the county treasury where such court is held, upon the certificate of the judge holding court.

Where a shorthand reporter is required, in the discharge of his official duties, to leave the county of his residence or leave the city or town of his residence to perform such duties, he shall be paid his actual and necessary hotel and living expenses, and transportation expenses as shall be incurred, which account shall be itemized and approved by the Presiding Judge of the Circuit Court, and certified to the County Auditor of the county in which such expenses are incurred, and shall be paid in the same manner as per diem of such reporter is paid.

Section 2. That Section 5189 of the South Dakota Revised Code of 1919 be, and the same is hereby amended to read as follows:

Section 5189. Transcripts in Criminal Cases ordered by the Judge.] The Judge may, upon the application of either party in a criminal case, direct such reporter to make out and file with the Clerk of Courts a certified transcript of his shorthand notes in longhand where the same is needed in such case, and he shall receive compensation therefor at the rate of 15 cents per folio, to be paid as provided for in the preceding section.

Section 3. That Section 5190 of the South Dakota Revised Code of 1919 be, and the same is hereby amended to read as follows:

Section 5190. Transcripts in Civil and Criminal Cases Requested by Party.] Such reporters shall, on request of either party, in a civil or criminal case, make out and certify such transcript and deliver the same to the party ordering it, on payment of his fees at the rate of 15 cents per folio, and such transcripts when certified by the reporter to be a correct transcript of his notes of the evidence, proceedings and rulings shall be prima facie evidence of the testimony given and of the rulings and decisions of the Court and of the proceedings had upon the trial; for each carbon copy of such transcript the reporter shall, when such copy is requested, receive seven and one-half cents per page.

Section 4. That Section 5191 is hereby repealed.

Section 5. Whereas, this Act is necessary for the immediate support of the State Government and its existing institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect immediately after its passage and approval.

Approved June 26, 1920.

CHAPTER 44.**(H. B. 9.)****TERMS OF COURT, FOURTH CIRCUIT.**

AN ACT Entitled, An Act Providing for Terms of Court in the Fourth Judicial Circuit, and Repealing Chapter 161 of the Laws of 1919, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That regular terms of the Circuit Court be held in the respective counties composing the Fourth Judicial Circuit as follows:

Aurora County: Second Tuesday in March and first Tuesday in October.

Brule County: Third Tuesday in June and second Tuesday in December.

Buffalo County: First Tuesday in June.

Davison County: Third Tuesday in January, first Tuesday in April and fourth Tuesday in August.

Hanson County: First Tuesday in January and fourth Tuesday in June.

Jerauld County: First Tuesday in May and second Tuesday in November.

Sanborn County: Third Tuesday in May and fourth Tuesday in November.

Section 2. That Chapter 161 of the Laws of 1919 be and is hereby repealed.

Section 3. Whereas, this Act is necessary for the immediate support of the State Government and its existing institutions, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Approved June 30, 1920.

Department of History

CHAPTER 45.**(S. B. 19.)****RELATING TO CONSOLIDATION OF FUNDS.**

AN ACT Entitled, An Act Providing for the Consolidation of All Funds Appropriated by Section 45 of Chapter 15 of the Laws of South Dakota for the Year 1919 for Salaries, Maintenance and Other Expenses of the Department of History of the State of South Dakota, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That all funds appropriated by Section 45 of Chapter 15 of the Laws of South Dakota for the year 1919, known as the General Appropriation Bill, for salaries, maintenance and other expenses of the

Department of History of the State of South Dakota for the biennial period ending June 30th, 1921, be and they are hereby consolidated and transferred into one fund, from which fund all salaries, maintenance and other expenses of said Department shall be paid during the remainder of said biennial period, in the manner provided by said general appropriation law.

Section 2. Whereas, this Act is necessary for the immediate preservation of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Approved June 29, 1920.

Drainage

CHAPTER 46.

(S. B. 45.)

AMENDING THE DRAINAGE LAW.

AN ACT Entitled, An Act to Amend Sections 8464, 8471, 8472 and 8473 of the South Dakota Revised Code of 1919, Relating to Drainage, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Sections 8464, 8471, 8472 and 8473 of the South Dakota Revised Code of 1919, be and the same are hereby amended to read as follows:

Section 8464. After the equalization of the proportion of benefits the board may make an assessment against each tract and property affected, in proportion to the benefits as equalized, for the purpose of paying the damages and the cost of establishment thus far incurred or to be incurred. The cost of establishment shall include the costs of the service of the Board of County Commissioners, surveyors and assistants, plans and profiles, publication and filing, and other fees, interest on bonds issued or to be issued and all other expenses incurred or to be incurred that in any way contributed or will contribute to the establishment or construction of the drainage. At the expiration of thirty days after the making of such assessment a copy thereof certified by the County Auditor shall be filed by him with the County Treasurer, but before the same is filed a notice shall be given by the board of the time when the same will be so filed, by publication at least once in each week for two consecutive weeks in a newspaper in the county to be designated by the board and by posting copies of such notice in at least three public places near the route of such drainage. Such notice shall also contain a description of the property assessed, the name of the owner as it appears in such assessment and the amount of each assessment, together with the amount assessed against the county or any city, town, township or railroad company, and shall also give the date when the assessment will become delinquent, together with the amount of penalty which will then accrue and the date from which interest will begin to run.

From the time of filing such certified copy of assessment in the Treasurer's office, the same shall be due and payable and shall be valid and perpetual liens upon the respective tracts so assessed against all persons or governments except the State and the United States and, if not paid within ten days, a penalty of five per cent shall attach thereto and such assessment shall bear interest from the date of the order of the assessment at a rate not to exceed eight per cent per annum payable annually. Such assessment shall be paid to and received by the County Treasurer and paid over to the holders of the assessment certificates or upon the order of the Board of County Commissioners. The Board of County Commissioners may issue separate assessment certificates against each tract assessed for the amount of the assessment thereon, and may sell the same at not less than par value with all accrued interest, or may contract to pay for the construction of such drainage with such assessment certificates or with warrants. Such assessment certificates shall refer to the record in the office of the County Auditor of the order of assessment and of the filing of a copy thereof in the County Treasurer's office, shall transfer to the holder all interest, claim or right in or to such assessment, bear the same rate of interest, carry the lien of such assessment and be enforceable as provided by law. Assessments for drainage or installments thereof shall be enforced by the County Treasurer by sale of the property at the annual tax sale, provided that no such assessment or installment thereof shall be included in the sale of any given year unless the same shall have been delinquent on or before August first of each year. The provisions of Chapters 7, 8, 9, Part 9 of this title shall apply to the enforcement of the lien or drainage assessments so far as such provisions are applicable, except that a Treasurer's deed issued upon a delinquent drainage assessment shall recite the fact that the title conveyed is subject to all the claims which the State or any political subdivision thereof may have thereon for annual taxes.

Whenever an assessment for drainage or an installment thereof has been made against any county, city, town or township, as provided in this Chapter, the officers of such county, city, town or township, whose duty it is under the law to make the levy of taxes, shall at the time of the next annual tax levy after the making of such assessment make a levy for drainage purposes of such an amount as shall be necessary to pay such assessment, and return the same to the proper officers as provided by for the other taxes, and such levy and tax shall be enforced and collected in all respects as provided by law for other taxes; provided, that any surplus remaining in any fund at the close of any year may be used by any township to pay and apply on any drainage assessment, as provided herein; provided, further, that in unorganized townships the County Commissioners shall be authorized to pay for drainage as provided herein out of any money belonging to such unorganized township, and each succeeding year a like levy shall be made by such authorities until the whole of such assessment for drainage is paid. Instead of making an annual assessment for the purpose of paying the damages allowed in any drainage proceeding and the costs of establishment and construction, the Board of County Commissioners may issue warrants payable only out of the assessments to be subsequently made, the same to bear interest at a rate not to exceed eight per cent per annum payable annually, and may sell such warrants at not less than the face value thereof and shall with such money so raised pay any damages allowed and costs of establishment and construction. In making assessment for such drainage such warrants and the cost of issuing the same shall be included in the costs of the drainage.

Section 8471. Assessments Paid in Installments.] The owner of any tract of land against which an assessment for drainage is made, who shall, within thirty days after the making of such assessment, file with the County Auditor an agreement in writing that in consideration of the right to pay his assessment in installments he will not make any objections to the illegality or irregularity of his assessment, if any there be, and will pay the same with interest as fixed by the Board of County Commissioners, shall have the privilege of paying such assessment in ten annual installments, interest payable annually. Assessment certificates shall not issue until after the expiration of the period for filing such agreements with the County Auditor, and when issued for assessments to be payable in installments may be issued in coupon form. The first installment shall be payable within ten days after a certified copy of the assessment has been filed in the office of the County Treasurer, and subsequent installments shall be payable one, two, three, four, five, six, seven, eight and nine years from the date of such assessment, respectively, with interest on the whole sum unpaid payable annually at maturity of the several installments. Such subsequent installments shall become delinquent after the expiration of thirty days from the time the same are payable and thereupon a penalty of five per cent shall attach thereto. Provided, that where bonds shall have been issued for the construction of such drainage, as provided in Section 8472, such assessments shall be made payable in installments sufficient to meet the payments on the bonds, as the same shall become due. Payments of assessments may at any time be received and full discharge thereof given by the County Treasurer to any property holder, but after issue of bonds, such payment of assessments can be received only according to the terms of such bonds.

Section 8472. Board May Issue Bonds.] The Board of County Commissioners, whenever it has ordered the establishment of any drainage, shall have authority by resolution to be spread upon its records, to provide for the issuance of bonds in such sums as may be necessary for the purpose of defraying the expenses incurred or to be incurred in obtaining the right of way or in locating or constructing any such drainage. Such word "expenses" shall be construed to mean and cover every item of cost of such drainage from its inception to its completion, such bonds to be payable only out of the funds to be derived from special assessments upon the lands benefited thereby. Such bonds shall bear interest at a rate not exceeding 7% per annum, payable annually and be payable not exceeding twenty years from issue. Such bonds shall be signed by the Chairman of the Board of County Commissioners and countersigned by the Auditor, who shall keep a record of all such bonds. Such bonds shall be issued for the benefit of the particular drainage, numbered, recorded and indexed in the office of the County Auditor, and shall in no case be issued for a sum exceeding the benefits to the lands affected by such drainage. The Board of County Commissioners shall have the power to negotiate such bonds at not less than par value, as it may deem best for the interest of all persons affected by such drainage, any premium received on such bonds to be credited to the fund of the particular drainage. Such bonds shall contain a recital that the same are issued pursuant to the authority of this article and that they are to be paid out of the funds to be obtained as herein provided. Assessments shall be made upon all of the lands benefited by such drainage for the payment of the principal and interest of such bonds when the same shall become due. Such assessments may be made by separate assessments for installments of interest and principal or in one proceeding with but one set of

notices. When the assessments are finally fixed the same shall be certified to the County Treasurer by the County Auditor, and the money paid in thereon shall be received by the County Treasurer and paid over to the holders of such bonds. Separate funds shall be kept by the Treasurer for each drainage project, and no funds for one drainage project shall be applied to any other drainage. No county shall be liable for the payment of any bonds issued under this article, but such bonds shall be paid only out of the funds derived from the special assessments herein provided for. Such bonds may be made payable at such times as the Board of County Commissioners shall find for the best interests of the persons benefited by the drainage, and may be issued for all or any portion of the expenses of such drainage.

Section 8473. Agreement for Combined Drainage.] Owners of lands that require combined drainage, and townships, towns, cities and counties benefited by the proposed drainage, may provide for drainage of their own lands, streets and highways by an agreement, in writing duly signed, acknowledged and filed with the County Auditor. Such agreement may include the location, the character of the work to be done, the adjustment of the damages, the classification of the lands to be benefited thereby, the amount of special assessments to be laid, when the same shall be laid or so many of these or any other provisions as shall be agreed upon, and all provisions so agreed upon shall be as valid and binding as though the same objects were sought and obtained under the provisions of this article. Upon the filing of such agreement the Board of County Commissioners shall at its next meeting establish and locate the drainage agreed upon and the same shall be named, recorded and indexed, and such board shall thereafter have complete and full jurisdiction of the persons and the subject matter involved in such drainage and may order such further procedure under the provisions of this article as may be required to carry out the purpose of such agreement and to complete and construct the desired improvement, and shall thereafter retain jurisdiction of such drainage as provided in this article. It shall not be obligatory upon the Board of County Commissioners, upon the filing of any such agreement for drainage, to establish such drainage, but such board shall be required to consider whether such drainage is practicable and will best serve the interests of the owners of the lands in the immediate section of such agreed drainage, and the townships, towns, cities and counties interested, and if it finds that the same will interfere with the practical drainage of such section and is not for the best interest of all landowners in such section, and the townships, towns, cities and counties interested, it shall not establish the agreed drainage.

Section 2. Whereas, there is now no adequate law covering this subject and this Act is necessary for the immediate protection of the public peace, health and safety, an emergency is hereby declared to exist and this Act shall take effect immediately upon its passage and approval.

Approved June 30, 1920.

Education

CHAPTER 47.

(H. B. 7.)

RELATING TO CONSOLIDATED SCHOOL DISTRICTS AND LEGALIZING THE SAME.

AN ACT Entitled, An Act to Amend Section 7569 of the South Dakota Revised Code of 1919, as Amended by Chapter 170 of the Session Laws of 1919, Relating to the Consolidation of School Districts, and Expressly Providing for the Consolidation of an Independent School District and Any Part or All of Any One or More Other School District or Districts, and Legalizing and Validating Incorporation of Any and All Independent Consolidated School Districts, or Districts Which Have Consolidated, and Which Included an Independent School District and Any Part or All of Any One or More Other School District or Districts, and Legalizing All Proceedings for the Election of Officers and All Acts, Elections and Proceedings of the Officers Relating to Bonds, Taxation and Expenditures of Moneys, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 7569 of the South Dakota Revised Code of 1919 as amended by Chapter 170 of the Session Laws of 1919, is hereby amended to read as follows:

Section 7569. It shall be lawful for two or more School Districts of any kind to consolidate, either by the formation of a new district or by annexation of one or more districts to an existing district in which is maintained a graded school or high school authorized by law. An existing district of any kind may organize as a consolidated district; a portion of any existing district may organize as a Consolidated District, or may consolidate with any one or more existing districts or with part or parts of same by the formation of a new district; and an Independent School District and any part or all of any one or more other School District or Districts may organize as a Consolidated District under the provisions of this Act and of Chapter 5 of the Revised Code of 1919. For the purpose of improving the school system of this State and encouraging industrial training, including the elements of agriculture, manual training and home economics, a centralized system of schools shall be established and maintained in every Consolidated School District organized under the provisions of this Act.

Section 2. That all acts and proceedings relating and pertaining to the organization and incorporation of any Consolidated School District organized or attempted to be made, organized and incorporated under the provisions of Chapter 5 of the Revised Code of 1919, formerly Chapter 194, Laws of 1913, and Acts amendatory thereof are hereby legalized and validated, as of the date when said Consolidated School Districts were organized and incorporated under said laws, notwithstanding any irregularity or errors, omissions or defects, clerical in law or otherwise, in the organization and incorporation thereof, or any defect, ambiguity or omission, want or lack of power in the Statute authorizing such organization and incorporation; and in all cases where a former Independent School District and any part or all of any one or more other School District or Districts have proceeded to organize as a Consolidated District,

all proceedings relating or pertaining thereto, are hereby legalized and validated as of the date of any such organization or incorporation, notwithstanding any errors, omissions or defects in the organization or incorporation thereof, or any defect, ambiguity or omission, want or lack of power in the Statute authorizing such organization and incorporation; and all of said Consolidated School Districts are hereby declared to have existed as Independent Consolidated School Districts under the laws of the State of South Dakota since said organization and incorporation, and composed of the territory described and defined in the proceedings for consolidation and incorporation, and all acts of the officers of said State or County or School Districts and all proceedings for bonding and taxation and for school purposes had therein relating to Independent Consolidated School Districts, are hereby ratified, legalized and validated, notwithstanding any errors, omissions or defects, ambiguities, clerical or otherwise, or want or lack of power in the Statutes, in the organization and incorporation of said Districts.

Section 3. Whereas this Act is necessary for the immediate preservation of the public peace and safety of the State and for the immediate support of the State Government and its existing institutions, an emergency is hereby declared to exist and this Act shall be in full force and effect from its passage and approval.

Approved June 26, 1920.

CHAPTER 48.

(H. B. 30.)

RELATING TO SCHOOL SITES FOR CONSOLIDATED SCHOOL DISTRICTS.

AN ACT Entitled, An Act Amending Section 7577 of the Revised Code of 1919, Relating to the Purchase of Land by Consolidated School Districts, Providing for Condemnation Proceedings in Certain Cases, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 7577 of the Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 7577. Power to Purchase Land.] Authority is expressly given to the School Board of each Consolidated School District to purchase any land which may be necessary for school house sites and to provide the demonstration plat necessary to meet the requirements of the law governing such District and the same shall be and become the property of such District forever; provided, that in case it is necessary to expend more than two hundred dollars for the purchase of additional lands, the question of purchasing such lands shall be first submitted to a vote of the voters of such district, and if a majority of the voters voting at any regular meeting of such District, or at any special meeting of such district called according to law for that purpose, shall vote in favor of buying the additional land, the board shall at once proceed to purchase the same; in case the School Board is unable to agree with the owners of such land on the purchase price thereof, the board is authorized to damage, acquire and condemn such private property for the public purposes authorized by this Act and to pay for such damage and condemnation out of any fund available for that purpose as hereinbefore provided.

Laws—4.

When such board shall deem it necessary to take, damage and condemn any private property for any of the purposes authorized by this Statute, it shall by proper resolution declare the necessity of such damaging, taking or condemnation, stating the purpose and extent thereof, and thereupon the proceedings to take, damage or condemn such property shall be had, as provided in Chapter 8, Part 9, Title 2 of the South Dakota Revised Code of 1919 in the name of the School District as plaintiff; provided, also, that whenever the land so selected is common school or endowment lands, it shall be lawful for the Governor and Commissioner of School and Public Lands to convey title thereto in the manner now provided by law for conveying title to school house sites, in tracts of from two to ten acres inclusive.

Section 2. All Acts or parts of Acts in conflict with this Act are hereby repealed.

Section 3. Whereas, this Act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved June 30, 1920.

CHAPTER 49.

(H. B. 41.)

RELATING TO POWERS OF INDEPENDENT SCHOOL DISTRICTS.

AN ACT Entitled, An Act to Amend Section 7546 and 7602 of the South Dakota Revised Code of 1919, Relating to Independent School Districts, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 7546 of the South Dakota Revised Code of 1919 is hereby amended to read as follows:

Section 7546. Powers Common to All Boards.] Such Board of Education shall have power:

1. To organize and maintain a system of graded schools, to establish a high school whenever in its opinion the interests of the school corporation demand the same, and to exercise control over the schools and school corporation.

2. To levy an annual tax on all taxable property within the district for the support of the schools of the corporation for the fiscal year next ensuing, not exceeding the amount limited by law.

3. To borrow money by issuing bonds as hereafter provided.

4. To erect suitable cottages or dwellings for teachers' homes.

Section 2. That Section 7602 of the South Dakota Revised Code of 1919 is hereby amended to read as follows:

Section 7602. Authorized.] Boards of Education of Independent School Districts are authorized and empowered to issue negotiable bonds in the manner hereinafter provided for the following purposes.

1. To refund bonds that may be outstanding.

2. To fund outstanding warrants.

3. To raise money for the purpose of a site or sites and the erection of suitable buildings for school purposes, and suitable cottages or dwellings for teachers' homes.

Section 3. Whereas, this Act is necessary for the immediate support of the State Government and its existing institutions, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved July 3, 1920.

CHAPTER 50.

(S. B. 2.)

RELATING TO TAX LEVY IN INDEPENDENT SCHOOL DISTRICTS.

AN ACT Entitled, An Act to Amend Section 7567 of the South Dakota Revised Code of 1919, Relating to the Levy of a Tax for the Support of the Schools of Independent School Districts Located in Cities and Towns, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 7567 of the South Dakota Revised Code of 1919 be and the same hereby is amended to read as follows:

Section 7567. Tax Levy.] The Board of Education shall, on or before the fifteenth day of August of each year, levy a tax for the support of the schools of the corporation for the fiscal year next ensuing, not exceeding in any one year twenty-five mills on the dollar of the assessed valuation of all taxable property within the district and which levy the Clerk of the Board shall certify to the County Auditor, who is authorized and required to place the same on the tax roll of the County, to be collected by the County Treasurer as the taxes of the County, and paid over by him to the Treasurer of the School District, of whom he shall take a receipt in duplicate, one of which he shall file in his office and the other he shall transmit to the Clerk of the Board of Education. And such receipt shall show the proportionate amounts belonging to the several funds of the Board of such School District, apportioned by the Treasurer thereof according to the relative amounts levied by such Board for the current year.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing institutions, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Approved June 30, 1920.

CHAPTER 51.

(H. B. 38.)

RELATING TO INDEPENDENT SCHOOL DISTRICT TREASURER.

AN ACT Entitled, An Act Providing for the Fixing of Salaries of School Treasurers by Boards of Education of Independent School Districts, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. The School Treasurer of each Independent School District shall receive a salary for his services as such Treasurer, to be fixed and determined by the Board of Education.

Section 2. That all Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. Whereas, this Act is necessary for the immediate support of the State Government and its existing institutions, and whereas, there is no law fixing the salaries of Treasurers of such Independent School Districts or determining the manner in which such salaries may be fixed, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved June 30, 1920.

CHAPTER 52.

(H. B. 8.)

RELATING TO SCHOOL TEACHERS AND COUNTY SUPERVISION.

AN ACT Entitled, An Act Amending Sections 7423, 7550 and 7551 of the Revised Code of 1919, Relating to Education, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Sections 7423 of the Revised Code of 1919 be, and the same is hereby amended to read as follows:

Section 7423. Supervision, General and Direct.] The County Superintendent shall have general supervision of all the public schools in the County and direct supervision of all public schools in the County except in Independent Districts including a city of two thousand or more population. Provided such direct supervision shall not apply to Independent Districts in cities and towns of less than two thousand population which employ and maintain a superintendent for the schools of such Independent Districts.

Section 2. That Section 7550 of the Revised Code of 1919 be, and the same is hereby amended to read as follows:

Section 7550. Teachers in Districts of Ten Thousand or More Population.] Such committee, in districts having ten thousand or more population, shall have power to examine teachers for their own schools, and to issue certificates authorizing persons to teach therein, in accordance with such rules as may be adopted by the Board of Education. Such certificates shall be in addition to the regular teachers' certificates required by law to teach in the public schools in this State. The examination papers and certified copies of credentials upon which these certificates are issued shall be kept on file in the office of the Clerk of the Board of Education.

Section 3. That Section 7551 of the Revised Code of 1919 be, and the same is hereby amended to read as follows:

Section 7551. Teachers in Independent Districts.] In all Independent Districts no Superintendent or Principal shall be employed who does not hold a valid South Dakota certificate for the grade or special subjects taught; and any contract made in conflict herewith shall be void; provided, that nothing herein shall be so construed as to prevent the Board of Education in any such District, from imposing such additional tests as to the qualification of teachers as it may deem expedient.

Section 4. All Acts or parts of Acts in conflict with this Act are hereby repealed.

Section 5. Whereas, this Act is necessary for the immediate support of the State Government and its existing institutions, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Approved June 30, 1920.

CHAPTER 53.

(H. B. 45.)

RELATING TO TRANSPORTATION OF PUPILS.

AN ACT Entitled, An Act Amending Section 7485 of the Revised Code of 1919 as Amended by Chapter 183 of the Session Laws of 1919, Relating to Transportation of School Children, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 7485 of the Revised Code of 1919 as amended by Chapted 183 of the Sessions Laws of 1919 be amended to read as follows:

Section 7485. Transportation.] When pupils reside more than two and one-half miles from the nearest school house in the school district and not to exceed three miles, the parent, guardian, or pupil shall receive from his School District ten cents per day for each pupil; if more than three miles and not to exceed four miles, twenty cents per day; if more than four miles and not to exceed five miles, thirty cents per day; if more than five miles, forty cents per day; provided, however, that in cases where more than one pupil from any family receives compensation under the provisions of this Section, the total amount allowed for any one family shall not exceed twenty cents for traveling three miles or under, forty cents for traveling between three and four miles, sixty cents for traveling between four and five miles, and eighty cents for traveling five miles or more; provided, that such financial provisions shall be only for actual attendance at public school and conditioned that the district in no way furnish means of conveyance; provided, that when any pupil shall have passed the eighth grade, such pupil, his parents or guardian shall not receive payment for transportation to or from school. Provided, that when pupils reside nearer some school in another district, the School Board or Board of Education may make arrangements for the schooling of such pupils at such other school by paying tuition at the rate of three dollars per month for each pupil so enrolled from any such district, unless some other rate be agreed to between the School Boards of districts concerned prior to the enrollment of any such pupil; such tuition to be computed from the time of enrollment until such pupil leaves such school permanently, or to the close of the school term, and such transportation as previously provided for in this Section. Provided, further, the distance traveled by the most direct route, to be established by the District Board, subject to an appeal as provided for appeals from decisions of School Boards, relative to school matters, shall be the basis of computation. Provided, further, that no township or district shall expend more than eight hundred dollars for transportation in any one year; provided, further, that payments may be made monthly or at the close of the school year in the discretion of the District Board, and if bills allowed are in excess of eight hundred dollars, said sum of eight hundred

dollars shall be divided pro rata. Provided, further, that in any district in which a public school shall have been discontinued, it shall be the duty of the District School Board to make such provision as shall be determined by the County Superintendent for the schooling of the pupils who would ordinarily be in attendance at the school were it not discontinued. Provided, further, that in any district where children of school age shall live more than four miles from the nearest school within or without the district, and the parents or guardians of such children are not satisfied with the transportation provided by law, it shall be the duty of the District School Board to make such provision as shall be determined by the County Superintendent for the schooling of such children. If any parent or guardian be dissatisfied with the decision of the County Superintendent in such cases, then an appeal therefrom may be taken to the Circuit Court of the county in the manner provided by law for appeals from decisions of District School Boards.

Section 2. Whereas, this Act is necessary for the immediate protection of the public peace and safety and for the support of the State Government and its existing institutions, an emergency is hereby declared to exist and this Act shall be in force from and after its passage and approval.

Approved June 30, 1920.

Employment Service Department

CHAPTER 54.

(H. B. 27.)

RELATING TO STATE EMPLOYMENT SERVICE DEPARTMENT.

AN ACT Entitled, An Act Establishing a System of State Employment Service, and an Employment Service Department in the Office of the Immigration Commissioner, Providing for the Maintenance Thereof, and for Agents and Clerical Assistants, and Their Salaries, and Defining the Duties of Such Department and Its Officers and Employees, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Employment Service Established.] The State Employment Service Department of the State of South Dakota is hereby established. The State Immigration Commissioner shall also be the executive officer of the State Employment Service Department, and the management of such department shall be under his supervision. He shall have authority to appoint agents who shall be under the direction of the Commissioner of Immigration as may be required in carrying out the provisions of this Act. Such agents being located at convenient points in the State for the handling of the movements of labor of all classes, with the view that labor will not be congested at any one point to an extent as to disturb the best interests of the State, and to use their endeavors to keep the supply of labor filled at the places where it is desired, and in seasonable time. Provided that the County Commissioners of any county may appropriate money to aid in maintaining of free employment agents in

connection with the State Free Employment Service not to exceed the sum of five hundred dollars in any one year.

Such agents may be located at points in the State which will best serve to carry out the provisions and intent of this Act, and the commissioner in charge has power to enter into agreements with governing bodies of cities or counties which desire such service to use portion of the fund provided by the State to assist in maintenance of any such service put into effect by such governing bodies, or he may establish offices at points where he deems to be of the best interest of employment and maintain the same.

The Commissioner of Immigration in his capacity of head of the State Employment Service Department is empowered to employ such clerical assistance as is necessary to carry out the provisions of this law and fix their compensation; to secure and distribute the necessary books and forms for keeping a record of the movements of labor, and those placed in positions through such department, and all reports required to be made to that end.

Section 2. Duties of Agents.] The agents in charge of any of the employment offices established under the provisions of this Act, and under the direction of the Commissioner of Immigration, shall receive applications from those seeking employment and from those seeking employees and shall register every applicant on properly arranged cards or forms provided by the Immigration Commissioner.

Section 3. Reports by Agents.] Each such agent shall make the Commissioner of Immigration such periodic reports of applications for labor or employment and all other details of the office work of each office, and the expense of maintaining the same as the Commissioner may require.

Section 4. Aid to Employees.] The Commissioner shall render all aid and assistance necessary for the enforcement of any claim by an employee against his employer which the Commissioner finds reasonable and just and for the protection of the employee from frauds, extortions, exploitations or other improper practices on the part of persons public or private, and shall investigate such claims for the purpose of presenting the facts to the proper authorities and of inducing action thereon by the various agencies of the State possessing the requisite jurisdiction.

Section 5. Notices of Strikes or Lockouts.] An employer, or a representative of employers or employees may file at a public employment office a signed statement with regard to a strike or lockout affecting their trade. Such statement shall be posted in the employment office, but not until it has been communicated to the employers affected if filed by employees, or to the employees affected, if filed by the employers. In case a reply is received to such a statement, it shall also be posted in the employment office with the same publicity given the first statement. If an employer affected by a statement notifies the public employment office of a vacancy or vacancies, the officer in charge shall advise any applicant for such vacancy or vacancies of the statements posted.

Section 6. Commissioner Has Authority to Advertise.] The Commissioner of Immigration shall have power to solicit business for the public employment offices established under this Act by advertising in newspapers and in any other way he may deem expedient, and take other steps that he may deem necessary to insure the success and efficiency of such offices; provided that the expenditure under the provisions shall not exceed five per cent of the total expenditure for the purpose of this Act.

Section 7. No Fees to be Collected.] No fees direct or indirect shall in any case be charged or received from those seeking the benefits of this Act.

Section 8. Penalty for Receiving Fees.] Any agent or clerk, subordinate or appointee, appointed under the provisions of this Act who shall accept directly or indirectly any fee, compensation or gratuity from any one seeking employment or labor under this Act, shall be guilty of a misdemeanor and shall be punished by a fine of not more than one hundred (\$100.00) dollars or by imprisonment in jail not to exceed three months, or both, and shall thereafter be disqualified from holding any office or position in such department.

Section 9. Shall Publish Bulletins.] The Department shall publish a bulletin in which shall be made public all possible information with regard to the state of the labor market, including reports of the businesses of the various public employment offices.

Section 10. Registration of Applicants.] For the purposes specified in the foregoing Section every employment officer or agency established under this Act, shall keep a register of applicants for work and applicants for help in such form as may be required by the Commissioner of Immigration in order to afford the same information as that supplied by State offices. Such register shall be open to inspection by the Commissioner of Immigration and information therefrom shall be furnished to him at such times and in such form as he may require.

Section 11. Declaring an Emergency.] Whereas, this Act is necessary for the maintenance of existing institutions, an emergency is hereby declared to exist, and this Act shall be in force on and after its passage and approval.

Approved July 3, 1920.

Estates of Decedents

CHAPTER 55.

(S. B. 64.)

RELATING TO DECREE OF DISTRIBUTION.

AN ACT Entitled, An Act to Amend Section 3472 of the Revised Code of 1919, Relating to Probate Procedure, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 3472 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 3472. Petition for Decree.] The decree may be made on petition of the executor or administrator or of any person interested in the estate. If partition be applied for, as provided for in this Chapter, the decree of distribution shall not divest the court of jurisdiction to order partition, unless the estate is finally closed.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved June 30, 1920.

CHAPTER 56.

(H. B. 32.)

RELATING TO PROBATE NOTICES.

AN ACT Entitled, An Act to Repeal Section 3189 of the South Dakota Revised Code of 1919, Relating to Probate Procedure.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 3189 of the South Dakota Revised Code of 1919 be and the same is hereby repealed.

Approved June 30, 1920.

CHAPTER 57.

(H. B. 31.)

RELATING TO SALE OF PROPERTY.

AN ACT Entitled, An Act to Amend Section 3427 of the Revised Code of 1919 Relating to Probate Procedure.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 3427 of the South Dakota Revised Code of 1919 is hereby amended to read as follows:

Section 3427. Service of Notice.] The Notice of Hearing on Petition for Sale of Personal Property must be served on all persons interested in the estate, any general guardian of a minor so interested, and any legatee or devisee or heir of the decedent at least ten days before the time appointed for hearing and such service shall be made by mailing a copy of such notice to each of such persons at their several post-office addresses and by posting in three of the most public places in the county where said estate is being probated. The Notice of Hearing on Petition for the Sale of Real Property shall be served in the same manner and shall also be published for three successive weeks in such newspaper in the county as the Court or Judge shall direct. If all persons interested in the estate join in the petition for sale of either real or personal property or signify in writing their assent to such sale the Notice may be dispensed with and the hearing may be had at any time.

Approved June 30, 1920.

CHAPTER 58.

(S. B. 10.)

VALIDATING CERTAIN PROBATE PROCEEDINGS.

AN ACT Entitled, An Act Validating Certain Decrees Settling Final Accounts of Executors and Administrators, Decrees of Distribution of Estates and Notices Caused to Be Published by Executors and Administrators, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. All decrees settling accounts of executors and administrators, and all decrees of distribution of estates of deceased persons, heretofore made upon notice given as directed by Section 310 of the Probate Code of 1903, are hereby legalized, cured and validated as fully as if such notices had been given in the manner required by Section 3472 of the South Dakota Revised Code of 1919.

Section 2. All notices heretofore caused to be published by executors and administrators of estates of deceased persons given as directed by law are hereby legalized, cured and validated as fully as if such notices had been signed by the Judge and attested by the clerk under the seal of the Court as required by Section 3189 of the South Dakota Revised Code of 1919.

Section 3. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved June 30, 1920.

Executors and Administrators

CHAPTER 59.

(S. B. 65.)

RELATING TO SETTLEMENT OF FINAL ACCOUNT.

AN ACT Entitled, An Act to Amend Section 3378 and 3417 of the South Dakota Revised Code of 1919, as Amended by Chapter 201 of the Session Laws of South Dakota for the Year of 1919, Relating to Probate Procedure, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 3378 of the South Dakota Revised Code of 1919, as amended by Chapter 201 of the Session Laws of 1919, is hereby amended to read as follows:

Section 3378. Requisites for Notice for Final Settlement and Distribution. If the account mentioned in the preceding Section be for a final settlement and a petition for the distribution of the estate be filed with said account, the notice of the settlement must state those facts,

which notice must be given by posting copies thereof in three of the most public places in the county in which said petition is filed at least ten days prior to the hearing of said petition, and copies of such notice and of such final account shall be mailed to the heirs, devisees and legatees at their postoffice addresses as appearing in the petition for letters of administration at least ten days prior to the date set for such hearing. If a petition for the distribution of such estate be filed without final account, notice shall be given as hereinbefore set forth except that the mailing of copies of such final account as herein provided shall not be required. On the settlement of said account, distribution and partition of the estate to all entitled thereto may be immediately had without further notice or proceeding. If from any cause the hearing of the account or the partition and distribution be postponed, the order postponing the same to a date certain is notice to all persons interested therein.

Section 2. That Section 3417 of the South Dakota Revised Code of 1919 is hereby amended to read as follows:

Section 3417. Provisions Applying to Final Settlement.] If he neglect to render his account, the same proceedings may be had as prescribed in this title in regard to the first account to be rendered by him; and all the provisions of this title relative to the last mentioned account and the notice, and settlement thereof, apply to his account presented for final settlement, except insofar as the matter of giving notice of hearing upon such account is regulated by Section 3378 of this Code.

Section 3. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved June 30, 1920.

Guardians

CHAPTER 60.

(S. B. 9.)

VALIDATING CERTAIN GUARDIANSHIP PROCEEDINGS.

AN ACT Entitled, An Act Validating Certain Guardian's Sales of Real Estate, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. All guardian's sales of real estate made and completed more than three years prior to the final passage of this Act, and the proceeds of which have been accounted for by the guardian, and upon which the bond required by Section 3540 of the South Dakota Revised Code of 1919 was not given, are hereby legalized, cured and validated as fully as if such bond had been given in the manner required by said section.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing institutions, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved June 30, 1920.

Industrial Commissioner

CHAPTER 61.

(H. B. 19.)

RELATING TO CONCILIATION OF LABOR CONTROVERSIES.

AN ACT Entitled, An Act Requiring the Industrial Commissioner to Endeavor to Conciliate Employers and Employees in Case of Strikes, Lockouts and Other Industrial Controversies and Failing to Conciliate the Parties to Impartially Investigate Such Differences and Report the Facts and His Recommendation Thereon for the Information of the Public.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. In case of strikes, lockouts or other controversies between employers and employees, the Industrial Commissioner, whenever he deems it advisable in the interest of the public or either party shall endeavor to conciliate the parties to the controversy and induce them to confer with each other and compose their differences. If his efforts as conciliator prove unsuccessful, he shall thereupon impartially investigate the matters in difference between the parties giving each ample opportunity for presentation of the facts and shall thereupon make his report of the issues involved and his recommendation for settlement of the controversy and furnish a copy thereof to each of the parties and to the local newspapers for publication for the information of the public. The Industrial Commissioner shall have the right, if he so desires, or if requested by either party, to call in two capable and disinterested citizens to assist in the investigation and advise with him as to his recommendations.

Approved June 30, 1920.

Insurance

CHAPTER 62.

(H. B. 53.)

RELATING TO THE OFFICE OF COMMISSIONER OF INSURANCE.

AN ACT Entitled, An Act to Amend Sections 9112 and 9115 of the South Dakota Revised Code of 1919, As Amended by Chapter 234 of the Laws of 1919, Relating to the Commissioner of Insurance and His Employees; and to Amend Section 9121 of the Revised Code of 1919; as Amended by Chapter 234, Laws of 1919, Relating to the Commissioner of Insurance as State Fire Marshal, and the Appointment of a Fire Marshal Clerk and Deputy State Fire Marshals, Fix Their Compensation, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 9112 of the South Dakota Revised Code of 1919, as amended by Chapter 234 of the Session Laws of 1919, be and it is hereby amended to read as follows:

Section 9112. Commissioner, Appointment, Term, Removal, Residence, Salary.] The Commissioner of Insurance, whose term of office shall be for two years, beginning on the first day of July, 1919, and

every two years thereafter, shall be appointed by the Governor, by and with the advice and consent of the Senate; he shall be an elector of the State, shall reside at the State Capital, and shall devote his whole time to the duties of his office. The Governor shall have the power to remove such Commissioner, upon reasonable cause shown, and in case of removal the Governor shall file his reasons therefor with the Secretary of State, and report such removal to the Legislature at the first succeeding session. Such Commissioner shall receive a salary of three thousand, six hundred dollars per annum, and his actual and necessary traveling and other expenses incurred in the discharge of his official duties.

Section 2. That Section 9115 of the Revised Code of 1919, as amended by Chapter 234 of the Session Laws of 1919, be and it is hereby amended to read as follows:

Section 9115. Employees, Salaries, Duties, Advice.] The Commissioner of Insurance shall have an office at the State Capitol, furnished and equipped by the State, and shall appoint, with the approval of the Governor, a Deputy Insurance Commissioner and an Insurance Examiner and employ such other clerks and assistants as may be necessary for the transaction of all business of his department. Such deputy shall have authority to sign the name of the Commissioner of Insurance to any and all instruments, and in the absence of the Commissioner of Insurance shall be authorized in all matters to act as and for the Commissioner of Insurance. Such deputy and the Insurance Examiner shall receive their traveling and other necessary expenses incident to the duties of their offices, and each shall receive a salary of not to exceed two thousand, five hundred and twenty dollars per year. Such Examiner shall, under the direction of the Commissioner of Insurance, investigate reported violations of the insurance laws and make official examinations of any insurance companies doing business in the State, and for that purpose he shall have authority to examine at all times all books, papers and records of all such companies and, when deemed necessary, may examine under oath any officer, employee, agent or other person who is connected in any way with the business of any such company. The Commissioner of Insurance may, when deemed necessary, call upon the Attorney General for legal counsel in relation to the affairs of the Insurance Department and for such assistance as may be required for a full enforcement of that law.

Section 3. That Section 9121 of the Revised Code of 1919, as amended by Chapter 243 of the Session Laws of 1919 be and the same is hereby amended to read as follows:

Section 9121. Commissioner Ex-Officio State Fire Marshal—Deputies.] The Commissioner of Insurance shall be ex-officio State Fire Marshal and with the approval of the Governor shall have authority to employ one fire marshal clerk and fix his compensation and to employ such number of deputy fire marshals as he shall deem expedient, who shall receive a salary of two thousand, four hundred dollars per year, together with their necessary expenses when actually in discharge of their official duties. The salaries and expenses provided for in this section shall be paid from the revenues paid into the State Treasury by the insurance companies in the manner provided in this Article.

Section 4. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved June 30, 1920.

CHAPTER 63.**(H. B. 14.)****RELATING TO DEPOSIT OF SECURITIES BY SURETY COMPANIES.**

AN ACT Entitled, "An Act to Amend Section 9387 of the Revised Code of 1919, Relating to Deposit of Securities by Surety and Casualty Companies, and Declaring an Emergency."

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Section 9387 of the Revised Code of 1919, is hereby amended to read as follows:

Section 9387. No such corporation shall transact any business in this State until it shall have a paid up capital of at least one hundred thousand dollars, and shall have deposited with the Commissioner of Insurance a guaranty fund consisting of such securities as are specified in Section 9395, in the aggregate, exclusive of interest, amounting to at least fifty thousand dollars, such securities to be approved by the Commissioner of Insurance and held in trust by him for the faithful performance and payment of the obligations of such corporation.

Provided, that when the laws of any State require a greater deposit than fifty thousand dollars as a condition precedent to the admission of any company organized under the laws of this State to do business in such state, the amount deposited under this Section may be increased to meet such requirements. In lieu of such deposit, any foreign corporation may produce, and the Commissioner of Insurance may accept properly certified evidence that it has on deposit with the proper officials of some state in the United States acceptable securities to the amount of one hundred thousand dollars, and that such securities are held for the benefit of all of the policy holders of such corporation.

Any deposit made in accordance with this Section shall be returned to the company depositing the same upon presentation of satisfactory evidence that it has reinsured all its outstanding bonds and policies in this State in some company authorized to do business in this State, and has made sufficient provision for all outstanding claims, or that it has made such other provision for the protection of its policyholders as may be satisfactory to the Commissioner of Insurance.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing institutions, an emergency is hereby declared to exist, and this Act shall be in full force from and after its passage and approval.

Approved July 3, 1920.

CHAPTER 64.**(S. B. 3.)****RELATING TO STATE HAIL INSURANCE.**

AN ACT Entitled, An Act to Amend Sections 1, 18, 23, and 34, of Chapter 244 of the Session Laws of 1919 of the State of South Dakota, Relating to the Hail Insurance Department of the State of South Dakota, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 1 of Chapter 244 of the Session Laws of 1919 be amended so as to read as follows:

Section 1. The Hail Insurance Department of the State of South Dakota is hereby established. The Commissioner of Insurance and the management of the said Hail Insurance Department shall be under his supervision. He shall have authority to appoint one Deputy Commissioner of Hail Insurance who shall give his whole time to said Department and who shall, in the absence of the Commissioner of Hail Insurance, be empowered in all matters to act as and for the Commissioner of Hail Insurance and shall receive a salary not to exceed three thousand dollars per annum, and such additional assistants and clerks as he may deem necessary to conduct the business of the Department at such salaries as shall be approved by the Governor. The appointment and employment of Deputy Hail Commissioner and such additional assistants and clerks shall, before same becomes effective, have the written approval of the Governor. The salaries of such additional assistants and clerks shall not exceed one hundred twenty-five dollars per month for each person. The Commissioner of Hail Insurance shall prepare and provide the necessary blanks, stationery and postage and shall deliver same to the proper officers and persons. The Hail Insurance Department shall insure all growing crops in all counties in the State against loss by hail upon the terms and in the manner herein set forth. All expenses and salaries shall be audited in the same manner and by the same officers as is now by law provided for the auditing of accounts of public officers and employees.

Section 2. That Section 18 of Chapter 244 of the Session Laws of 1919, be amended so as to read as follows:

Section 18. The Commissioner of Hail Insurance shall appoint one or more competent persons whose appointment, before same becomes effective, shall have the written approval of the Governor, to act as official adjuster or adjusters of losses or damages caused by hail to any crop that has been insured under the provisions of this Act. Every official adjuster shall receive as compensation the sum of ten dollars per diem and his actual expenses while engaged in the necessary performance of his duty. He shall adjust all losses and damages caused by hail to any crop insured under the provisions of this Act, and it is hereby made his duty to adjust such losses and damages aforesaid when so directed by the Commissioner of Hail Insurance. When any crop has sustained damage by hail, the owner thereof or any person interested therein shall promptly notify the Commissioner of Hail Insurance of such loss by telegram or registered letter addressed to the Commissioner of Hail Insurance, Pierre, South Dakota, and in no event shall such telegram be filed or letter mailed later than four days after the said damage has been sustained, otherwise the damage so sustained shall be deemed to be and shall be waived, provided, however that in case the owner or person interested, through no fault of his own, has been unable to notify the Commissioner of Hail Insurance of the loss sustained within four days, discretionary power is hereby vested in such Commissioner of Hail Insurance to extend the time for a period of not more than ten days upon proper showing. The Commissioner of Hail Insurance shall, as soon as possible after receiving notice of loss, direct an official adjuster to visit the place of loss and proceed to estimate and adjust such loss. In estimating the losses, the official adjuster shall allow as damages the percentage of difference between the value of the crop before it was damaged and the value of the crop after it was damaged, computed on the basis of the amount insured per acre so that if the crop has been damaged 50 per cent, the loss shall be considered as 50 per cent of the amount insured, and so in like manner in other cases of loss. In case of

total loss from hail the insured shall receive the full amount insured per acre for each acre of crop so destroyed, but in no event shall more than ten dollars per acre be allowed as the maximum of the crop insured. There shall be no claim for any loss or damage by hail to the crops described in this Act, except for such portion as is traceable directly to hail.

Section 3. That Section 23 of Chapter 244 of the Session Laws of 1919, be amended so as to read as follows:

Section 23. Payment of all losses will become due January 1, 1920, and thereafter on or before thirty days after the date of final adjustment. Upon the final adjustment of any loss the Commissioner of Hail Insurance shall issue a voucher approved by the Commissioner of Hail Insurance to the State Auditor in an equal amount to the loss as adjusted, payable as above provided to the insured or his assigns. If, however, the premium for such insurance is still unpaid, the amount thereof shall be deducted from the amount of the adjudicated loss in a manner designated by the Commissioner of Hail Insurance. The State Auditor shall, upon presentation, issue his warrant for such vouchers and the State Treasurer shall, upon presentation, pay said warrants out of the Hail Insurance Fund.

Section 4. That Section 34 of Chapter 244 of the Session Laws of 1919, be amended so as to read as follows:

Section 34. If in any case there shall be an erroneous extension of the hail insurance premium tax assessment, either as against the wrong tract, piece or parcel of land or as against the wrong person, the assessment shall not for that reason be invalidated, but the Hail Insurance Commissioner upon the discovery of such error shall have, and is hereby given and granted full power and authority to release, abate, refund or otherwise correct such assessment by directing the County Auditor to spread the assessment against the proper person or the correct tract, piece or parcel of land, or refund the hail tax erroneously collected, as the case may require.

Section 5. Whereas, this Act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Approved July 3, 1920.

CHAPTER 65.

(H. B. 11.)

RELATING TO TAXATION OF LIFE, HEALTH AND ACCIDENT INSURANCE COMPANIES.

AN ACT Entitled, An Act to Amend Section 9315 of the South Dakota Revised Code of 1919, Relating to Annual Taxes Payable by Life, Health and Accident Insurance Companies, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Section 9315 of the South Dakota Revised Code of 1919 is hereby amended to read as follows:

Section 9315. Every Life, Health or Accident Insurance Company doing business in this State, except Stock and Mutual companies organ-

ized under the laws of this State shall, unless otherwise specially provided by law, at the time of making the annual statements required by law, pay into the State Treasury as taxes, two and one-half per cent of the gross amount of direct and reinsurance premiums received in this State during the preceding year, less premium refunds or so called dividends on participating policies, and reinsurance premiums paid to companies authorized to do business in this State, taking duplicate receipts therefor, one of which shall be filed with the Commissioner of Insurance; and upon the filing of such receipts, and not till then, the Commissioner of Insurance shall issue the annual certificate of authority as provided by law, and the said sum of two and one-half per cent shall be in full of all taxes, State and local, and no domestic, life, health or accident insurance company shall be required to pay any premium tax under this Section for prior or future year or years, except as otherwise specially provided by law.

Section 2. Whereas, this Act relates to taxation and is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist and this Act shall be in force from and after its passage and approval.

Approved June 26, 1920.

CHAPTER 66.

(H. B. 48.)

RELATING TO WORKMEN'S COMPENSATION INSURANCE.

AN ACT Entitled, An Act Relating to Workmen's Compensation Insurance and Giving the Commissioner of Insurance Authority to Regulate the Premium Rates for Such Insurance.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. It shall be the duty of each insurer of any obligation under the South Dakota Workmen's Compensation Law to file with the Commissioner of Insurance whenever required by him a schedule of the premiums charged employers by such insurer for insuring such obligations and also to furnish him whenever required verified statements of the total amount of premiums charged and compensation, medical and other expenses paid by such insurer in complying with the provisions of the South Dakota Workmen's Compensation Law. It shall be the duty of such Commissioner to make a careful investigation whenever and as often as he may deem necessary and give employers and insurers ample opportunity to be heard. If after such investigation he shall be of the opinion that such premiums are excessive, he shall make an order to that effect therein stating what changes should be made in such premiums and when such changes shall take effect and serve the same upon such insurers by forwarding copies of such order by registered mail to the home office of such insurers, and thereafter it shall be unlawful for such insurers to charge greater premiums than so specified by such Commissioner. Such order may at any time be modified or revoked by such Commissioner for due cause after giving employers and insurers an opportunity to be heard. Such order may be reviewed by the Circuit Court in Hughes County upon the petition of any insurer, employer or other person interested.

Approved June 30, 1920.

Laws—5.

Limitation of Actions

CHAPTER 67.

(H. B. 58.)

RELATING TO CONTRACTS FOR SALE OF REAL PROPERTY AND THEIR CANCELLATION.

AN ACT Entitled, An Act Limiting the Time Within Which Actions May Be Commenced upon Contracts and Bonds for the Purchase and Sale of Real Estate and Providing for the Cancellation and Discharge of Such Contracts and Bonds, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. An action upon a contract or bond for the purchase and sale of real property, or for the recovery of the consideration payable thereunder, must be commenced within fifteen years after the cause of action shall have accrued, or within fifteen years after the last payment thereunder shall have become due and payable, and if not so commenced, such action shall be forever barred, and such contract or bond shall become null and void. Provided, that if the purchaser shall have been placed in possession of the property described in such contract or bond following the execution and delivery thereof, such action may be commenced at any time within fifteen years after the said purchaser has surrendered such possession.

Section 2. Any person having an interest in, or lien or incumbrance upon the property described in such instrument may apply to the Circuit Court of the county in which such contract or bond is filed or recorded for an order cancelling such contract or bond for deed. When such application is filed, the court shall fix a time and place for hearing thereon and notice of such hearing shall be given by serving a copy of such notice, containing the title of the proceeding, the names of the parties to the instrument affected, the date of such instrument, the book and page where same is recorded, the description of the premises therein, the time and place of hearing upon such application and a general statement of the relief sought to be obtained, personally upon the grantee or grantees in such instrument, or their successors in interest appearing of record, if any of such persons reside within the county where such instrument is recorded at least thirty days prior to the day set for such hearing, and if such persons to be served with notice do not reside within such county, said notice shall be served by publishing the same in a legal newspaper published in the county where such contract or bond is recorded for a period of three weeks, once in each week, next preceding the date of hearing; provided, that if no legal newspaper is published in such county, such notice shall be given by posting notices of such hearing in three public places within such county for the same period, one of which notices shall be posted upon the front door of the court house or building in which said court was last held in such county. On proof to the satisfaction of the court that actions on such contract and bond for deed are barred by the provisions of the act and that such instrument is null and void, and that notice of such hearing has been given as herein provided, the court shall make an order to that effect and shall in such or-

der discharge of record and cancel such contract or bond for deed. The Register of Deeds in whose office such contract or bond for deed shall have been filed or recorded shall record a certified copy of such order and such record shall have the same force and effect as the record of a written cancellation of the contract or bond for deed, signed by the vendor and the purchaser or their assigns duly executed, acknowledged and recorded, and any and all right, title, interest or estate in, or lien or incumbrance upon such premises, and any cause of action upon such contract for deed, bond for deed, or other instruments affected by this Act, shall thereupon be forever barred and foreclosed.

Section 3. Provided, that as to such contracts for deed, bonds for deed, or other instruments falling under the provisions of this Act, of record when this law takes effect, the time within which an action may be commenced upon the same shall be as follows: If such contract or bond has been recorded for a period of ten years and not more than twenty years, within two years after this Act takes effect, and if such contract or bond has been of record twenty years or more, within six months after this Act takes effect.

Section 4. Whereas, this Act is necessary for the immediate support of the State Government and its existing institutions, an emergency is hereby declared to exist, and this Act shall be in full force from and after its passage and approval.

Approved June 30, 1920.

Moratorium

CHAPTER 68.

(H. B. 6.)

AMENDING THE MORATORIUM LAW.

AN ACT Entitled, An Act to Amend Section 5 of Chapter 55 of the Laws of the Special Session of 1918, as Amended by Section 4 of Chapter 262 of the Laws of 1919, Relating to Moratorium and Other Relief for Those Engaged in War Relief, and Providing for Exemption from Taxation, Penalties and Interest of Persons Engaged in the Military, Naval or Marine Service of the United States, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 5 of Chapter 55 of the Laws of the Special Session of 1918, as amended by Section 4 of Chapter 262, Laws of 1919, be and the same is hereby amended to read as follows:

Section 4. That Section 5 of Chapter 55, Laws of the Special Session of 1918 be and the same is hereby amended to read as follows:

Section 5. Any and all taxes, penalty and interest upon property to the amount of five thousand (\$5,000.00) dollars assessed valuation of any person who served in the military, naval or marine forces of the United States in the World War against the German Empire and its Allies, (Which taxes, penalty or interest were or shall be levied or accrued during any year for any part of which such person was in the service, or which became or shall become due during any such year) shall be paid in the following manner:

The County Auditor shall, under the supervision of the Board of County Commissioners, issue warrants to the County Treasurer against the County General Fund for the amount of such taxes, which warrants shall be paid as other county warrants are paid and the amount of the tax thus collected shall be distributed to the several funds to which it properly belongs; at the same time the County Auditor shall charge to the State the amount of its share of the tax thus paid, and the county shall be entitled to credit upon the books of the State Auditor for the State's share of the tax so remitted.

It shall be the duty of the County Auditor to ascertain what persons, if any, are entitled to the benefit of this section.

If any person shall at any time have paid taxes which would have been payable by the county under the provisions of this Section as now amended, had the same been in effect, such taxes and the interest and penalty thereon paid by such person shall be refunded upon proper application made in the form and manner prescribed by Section 6814 of the Revised Code of 1919, to the Board of County Commissioners, and filed with the County Auditor, and such application shall describe the property for which such exemption or refund is or has been claimed with the location thereof, which property may be selected by the applicant and be in more than one county, in which event each county shall pay or refund upon the property so selected within such county. Whenever any such application for refund is granted by the Board of County Commissioners, the County Auditor shall issue and deliver to the applicant a warrant on the County Treasurer against the County General Fund for the amount of such refund, and the County Treasurer shall pay and refund the same; and the county shall be entitled to credit for any State tax so refunded in its account with the State.

Section 2. Whereas, this Act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Approved June 30, 1920.

Mortgages

CHAPTER 69.

(S. B. 8.)

CURING DEFECTIVE ASSIGNMENTS AND DISCHARGES.

AN ACT Entitled, An Act to Cure Defects or Omissions in the Records of Instruments Affecting the Title to Real Property, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. The record of any assignment or discharge of mortgage affecting real property, which was otherwise entitled to be recorded, and which, previous to the time of the passage and approval of this Act, was copied into the proper book of records kept in the office of any Register of Deeds, and which has been properly indexed against the real property

affected by such assignment or discharge, shall be deemed to impart notice of such instrument and its contents to subsequent purchasers and incumbrancers, notwithstanding that the description of the real property affected by such assignment or discharge shall have been omitted from such assignment or discharge; but nothing herein shall be deemed to affect the rights of purchasers or incumbrancers prior to the taking effect of this Act. Such instruments, the records of the same, or certified copies thereof, may be read in evidence with the same effect as though the property affected by such assignment or discharge of mortgage had been duly described therein.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved June 30, 1920.

Municipal Corporations

CHAPTER 70.

(S. B. 40.)

RELATING TO MUNICIPAL BONDS.

AN ACT Entitled, An Act to Amend Section 6416 of the Revised Code of the State of South Dakota for the Year 1919, Relating to Bonds of Municipal Corporations, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6416 of the Revised Code of the State of South Dakota for the year 1919 be amended to read as follows:

Section 6416. Form of a Bond.] All bonds authorized by the third preceding Section shall run not more than twenty years from their issuance and shall bear interest at a rate not to exceed 6 per cent per annum, except that in cities of the third class and in towns, bonds may be issued bearing interest at a rate not to exceed 7 per cent per annum. Such interest shall be payable annually or semi-annually as the governing body may provide and principal and interest shall be payable at such place as may be fixed by the governing body.

Section 2. Whereas, there is now no adequate law covering this subject and this Act is necessary for the immediate protection of the public peace, health and safety, an emergency is hereby declared to exist and this Act shall take effect immediately upon its passage and approval.

Approved June 30, 1920.

CHAPTER 71.

(S. B. 42.)

RELATING TO REFUNDING BONDS.

AN ACT Entitled, An Act to Amend Section 6420 of the Revised Code of South Dakota for the Year 1919, Relating to Refunding Bonds of Municipal Corporations.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6420 of the Revised Code of South Dakota for the year 1919, be amended to read as follows:

Section 6420. Form—Denomination—Interest.] Each bond so issued shall recite upon its face the purpose for which it is issued. Such bonds shall be in denominations of not less than \$100 nor more than \$1,000, shall be numbered consecutively, shall bear date and shall show the date when payable and may be made payable in not less than five years nor more than twenty years from their date, shall be made payable to the purchaser or bearer and may be made payable anywhere in the United States; shall bear interest at a rate not exceeding 6% per annum payable annually or semi-annually as may be agreed upon and shall have interest coupons attached and a copy of this Article shall be printed or engraved on the back of each bond.

Approved June 30, 1920.

CHAPTER 72.

(S. B. 5.)

RELATING TO QUALIFICATION OF MUNICIPAL OFFICERS.

AN ACT Entitled, An Act to Amend Section 6272 of Part 8, Chapter 5, Article 1, of the South Dakota Revised Political Code of the Year 1919, Relating to the Qualification of Officers.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6272 of Part 8, Chapter 5, Article 1 of the South Dakota Revised Political Code of the year 1919 be and the same is hereby amended to read as follows:

Section 6272. Qualification of Officers.] In municipal corporations of the first and second class, city justices of the peace and all appointive officers before entering upon the discharge of their duties shall take and subscribe an oath or affirmative of office, in the form required by the constitution, and furnished an undertaking to be approved by the governing body of the municipality in such sum as such body shall prescribe, conditioned for the faithful discharge of the duties of their offices and to account, pay over and deliver all money or property coming into their hands by virtue of their office according to law; provided that the amount of the treasurer's undertaking shall in no case be less than one-half of the amount of the estimated taxes and special assessments for the current year, and in case bonds are sold he shall execute an additional undertaking in the amount thereof; in municipal corporations of the

third class, the clerk, assessor, treasurer, marshal and justice or justices of the peace within ten days after notice of their election or appointment, shall take and subscribe an oath or affirmation of office in the form required by the constitution, and furnish an undertaking to be approved by the board of trustees, in such amount as the board shall direct; and if the city or town be situated in more than one county, a duplicate of the undertaking and official oath of the justice or justices of the peace shall be filed in the office of the clerk of courts of each county in which the town is situated. All undertakings provided for in this section, after approval shall be filed with the city auditor or town clerk, except the undertaking of the auditor or clerk, which shall be filed with the Treasurer.

Above proposed amendment is for the purpose of amending the present recodification to conform to the original Act, the original Act being Section 61 of Chapter 119 of the 1913 Session Laws, relating to the amount of the Treasurer's bond.

Approved June 30, 1920.

CHAPTER 73.

(H. B. 37.)

RELATING TO POWERS OF MUNICIPAL CORPORATIONS.

AN ACT Entitled, An Act Adding Paragraph 17 to Section 6170 of the Revised Code of 1919, Relating to the Powers of Municipal Corporations.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There shall be added at the end of Section 6170 of the Revised Code of 1919 an additional paragraph to be numbered 17 as follows:

17. No power conferred upon any municipal corporation shall be construed or exercised to prevent any co-operative association from receiving and distributing from cars and commodity purchased in car lot for the personal use of its members.

Approved June 30, 1920.

CHAPTER 74.

(H. B. 46.)

RELATING TO THE SALE OF REAL ESTATE.

AN ACT Entitled, An Act Relating to Municipal Corporations, Authorizing the Sale of Real Estate by Such Corporations, and Providing the Procedure to Be Followed in Effecting Sales and Conveyances of Such Property, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Real property which is now or may hereafter be held by any municipal corporation, the title to which has been or may be obtained from any source and not owned and held for public use, of which is about to be abandoned for public purposes, may be sold and

conveyed by the governing body of such municipal corporation in the manner and upon the terms hereinafter provided.

Section 2. Whenever the governing body of such municipal corporation deems it advisable and to the best interests of the municipal corporation to sell such real property, they shall by resolution direct that it be offered for sale in accordance with the provisions of this Act; provided, that when any real property is so offered for sale the governing body shall first cause the same to be appraised by a board of three disinterested appraisers who are freeholders within the municipal corporation, and no sale shall be made for a sum which is less than the amount of such appraisement.

Section 3. All sales shall be made at public auction to the highest bidder, upon such terms as the governing body may direct, at the office or room occupied by the treasurer of the municipal corporation, under whose direction all sales shall be made. Notice of sale shall be given by publication in a legal newspaper published within the municipal corporation, for at least once a week for three successive weeks, and if there be no such newspaper, then by posting in three of the most public places therein, at least twenty days before the day of sale. The notice shall contain a description of the real property to be sold, and the time and place of sale.

Section 4. Immediately upon the acceptance of any bid, the purchaser shall deposit the amount of the cash payment therefor with the city treasurer, taking his receipt therefor, a copy of which receipt shall be retained in the office of the treasurer.

Section 5. At the first meeting of the governing body of such municipal corporation after such sale has been made, the city treasurer shall report the same together with all his proceedings therein. If the sale be approved by the governing body it shall direct that a deed of conveyance be made to the purchaser, which deed shall be executed in the name of the municipal corporation, by the mayor or president of the board of trustees, as the case may be, and attested by the treasurer, and shall vest in the grantee all the right, title and interest of the municipal corporation in and to the real property so sold and every part thereof.

Section 6. If the governing body disapproves the sale, the treasurer shall return to the purchaser the money deposited by him, upon surrender of his receipt therefor.

Section 7. The treasurer may postpone any sale advertised to be made hereunder by giving notice of such postponement at the time and place when and where the sale is advertised to be made; but if such postponement is for a longer period than five days, the notice of postponement must be published in the same manner that the original notice was published, during the period of such postponement.

Section 8. All the money accruing from the sale of property under the provisions of this Act shall be paid into the treasury of the municipal corporation and credited to the general fund; provided, however, that the governing body may, in its discretion, use such money or any part thereof for the purpose of constructing or erecting any necessary municipal buildings.

Section 9. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved June 30, 1920.

CHAPTER 75.

(S. B. 47.)

RELATING TO SEWERAGE.

AN ACT Entitled, An Act Providing for the Connection of Service Sewers with Storm Sewers and the Assessments of the Benefits Thereof Against the Abutting Owners, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Whenever any municipal corporation shall have constructed any storm sewer and paid or agreed to pay for the same out of its general fund or out of the proceeds of municipal bonds, and shall have constructed, have in course of construction, or have determined upon the construction of a system or part of a system of service sewers, and shall have assessed or determined to assess the cost of such service sewers against the property fronting or abutting upon such service sewers, the governing body thereof shall have power to grant to the owners and occupants of property fronting or abutting upon such storm sewer, the privilege of connecting therewith, and to assess the benefits of such privileges against such fronting or abutting property; (and such fronting or abutting property may have been previously connected with such storm sewer.)

Section 2. Whenever the governing body of any municipal corporation shall desire to exercise the power conferred by the preceding section it shall, by resolution, grant the privilege mentioned therein and proceed to assess the benefits thereof in the manner provided in Article VI, of Chapter 9, of Part 8 of Title 6 of the South Dakota Revised Code of 1919, such benefits being apportioned as provided in Section 6382 of said Code.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. Whereas, this Act is necessary for the support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall take effect from and after its passage and approval.

Approved June 30, 1920.

Municipal Courts**CHAPTER 76.**

(H. B. 5.)

RELATING TO SALARY OF JUDGE.

AN ACT Entitled, An Act to Amend Section 5209 of the South Dakota Revised Code 1919, Relating to Salary of Judge of Municipal Courts, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 5209 of the South Dakota Revised Code of 1919 is hereby amended to read as follows:

Section 5209. Salary of Judge.] In cities having a population of five thousand such judge shall receive in full compensation for his services the sum of fifteen hundred dollars per annum, and for each additional one thousand population or major fraction thereof in excess of five thousand, an additional sum of two hundred and fifty dollars per annum; provided, that in no case shall such salary exceed the sum of twenty-four hundred dollars per annum; the population to be determined at all times by last census, Federal or State, as it may be. The salary shall be paid monthly, one-half from the city treasury and one-half from the treasury of the county. The salary of such judge in a city having a population less than five thousand shall not be less than nine hundred dollars nor more than twelve hundred dollars, the same to be fixed by the city council or board of commissioners.

Section 2. Whereas, this Act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Approved July 3, 1920.

CHAPTER 77.

(S. B. 67.)

RELATING TO SALARY OF JUDGE.

AN ACT Entitled, An Act Relating to Salaries of Municipal Judges and Providing the Manner of Determining the Amount and Legalizing the Payment Therefor, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Where the population as ascertained by multiplying the vote cast for Governor by five, as provided in Section 5209 of the South Dakota Revised Code of 1919, shall be less than that shown by the State Census of the year 1915, there shall be paid to such judge by the county and city for the period from July 1st, 1919, to the time this Act takes effect, an amount sufficient to make, with the amount actually paid for that period, the sum to which the judge would have been entitled upon the population as shown by the State census for the year 1915; and all payments which have been or which shall be made by such city and county according to the said State census of 1915 during the period from July 1st, 1919, to the time this Act goes into effect are hereby legalized.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved June 30, 1920.

Primary Elections

CHAPTER 78.

(S. B. 48.)

RELATING TO PARTY PRIMARIES (INITIATED MEASURE).

AN ACT Entitled, An Act to Provide for the Holding of Primary Elections for the Purpose of Making Party Nominations, Electing Party Delegates and Committeemen, Providing Penalties for Violating Party Primary Election Laws, Providing for Registration, and Repealing Sections 7097 to 7189 and 7200, Inclusive, of the Revised Code of 1919, and All Acts and Parts of Acts in Conflict with the Provisions of This Act, and to Provide for Submitting This Act to the Voters of This State for Approval.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That the following Act be and the same is hereby enacted, proposed, initiated and submitted to a vote of the electors of the State at the next general election to be held in the year 1920 for their approval, before going into effect.

Be It Enacted by the People of South Dakota:

Section 1. (Statute, How Constructed.) This statute shall be liberally constructed so that the real will of the electors may not be defeated by mere technicality.

Section 2. (Shall be Nominated and Elected at Primary Election.) Hereafter all party candidates for United States Senator, Representatives in Congress, Governor and County and Legislative offices shall be nominated and all party delegates to political conventions, and all precinct, County and State Committeemen, shall be elected at a primary election. And all State officers including Circuit and Supreme Court Judges except as above provided including Presidential electors, shall be nominated, and all National Committeemen and delegates to National Party Conventions shall be elected at a Party Delegate State Convention in accordance with the provisions of this Act. All other nominations of such candidates shall be by petition in a manner now provided by law.

Section 3. (Law Not Applicable.) This Act shall not apply to Municipal, Town, Township and School District officers.

Section 4. Primary and Convention, When Held.] The Primary election shall be held at the regular polling place in each precinct throught the State on the first Tuesday in May, 1922, and biennially thereafter between the hours 8:00 o'clock A. M. and 5:00 o'clock P. M., and any person entitled to vote at a general election who has registered his party affiliation as provided in this Act shall be entitled to a vote in such primary. The State Convention herein provided for shall be held at the State Capital in the City of Pierre on the 3rd Tuesday in May, 1922, and biennially thereafter.

Section 5. Subdivision 1.] The name of no candidate for any county or Legislative office nor any candidate for election as a member of any State Central Political Committee from any County shall be printed upon the official ballot used at such primary unless at least thirty days prior to such primary a nominating petition shall have been filed in his behalf in the office of the County Auditor in the County in which he is a candidate in substantially the following form:

We, the undersigned qualified electors of the County of _____

and members of the _____ party, do hereby nominate _____ who resides in _____ voting precinct, in _____ County and whose postoffice address is _____ South Dakota, and who is a member of the _____ party, for the office of _____ in said County, to be voted for at the primary to be held on the first Tuesday in May, 19____, and we and each of us, for himself severally, do further declare that we intend to support the candidate named herein at said primary and vote the _____ ticket in the following November election.

Name of Signer	Postoffice	Precinct	County	Date of Signing
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Said nominating petition, before the same shall be filed in the office of the County Auditor must have affixed thereto the names of not less than two per cent nor more than five per cent of the voters of the party of which the petitioners are members cast in the County named at the preceding general election for Governor as shown by the official returns.

Subdivision 2.] The name of no candidate for United States Senator, Representative in Congress or Governor shall be printed upon the official ballot used at such primary unless at least thirty-five days prior to such primary a nominating petition shall have been filed in his behalf in the office of the Secretary of State of the State of South Dakota in substantially the form above specified.

Subdivision 3.] The name of no candidate for delegate to any State Convention shall be printed upon the official primary ballot used in such primary unless at least thirty days before such primary such candidates have been nominated by the County Central Committee and such nominations certified to the County Auditor by the Chairman and Secretary of the Party County Central Committee of such County in substantially the following form or petition as provided by this Act:

We, the Chairman and Secretary of the _____ party in and for _____ County, hereby certify that the following persons were duly nominated by the County Central Committee of the _____ party in and for _____ County as candidates for election as delegates to a Party State Convention to be held at Pierre on the third Tuesday in May, 19____.

Name of Candidate	Postoffice	Precinct	County
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Chairman.

Secretary.

Section 6. To each of the nominating petitions as provided in Subdivision 1 and 2 of Section 6 of this Act each petitioner shall affix his own signature, with pen and ink or indelible pencil and shall add after his name his postoffice address, voting precinct, County and date of signing and no petitioner shall sign more than one such petition. No petition shall be accepted and filed by the Secretary of State or County Auditor unless the same appears to have been signed within four months prior to the holding of the primary before which the person in whose behalf it is filed is to be a candidate. Separate papers with the proper headings may be bound together as one petition provided that the aggregate number of names upon such papers so bound together do not exceed the limit of names that may appear upon the petition and that each separate paper has been circulated for the same candidate and each such paper has appended thereto an affidavit in substantially the following form:

STATE OF SOUTH DAKOTA }
 County of _____ } ss.

I, _____ being duly sworn on oath state that I am a qualified elector of the State of South Dakota and a legal resident of the County of _____; that each of the persons whose names are affixed to the above paper signed the same personally and had thereto his postoffice, voting precinct and date of signing, and that he signed the same with a full knowledge of its contents and to the best of my knowledge he is a qualified elector of the State of South Dakota and of the County of _____ as indicated on said paper and that I intend to support the candidate named in such petition at the primary and vote the ticket nominated there at by the _____ party of which the candidate named in the petition is a member.

Subscribed and sworn to before me this _____ day of _____ 19____.

There shall also be attached to such petition a declaration of candidate stating that he will qualify and serve if nominated and elected to the office named in the petition.

Section 7. Joint Legislative Districts.] In Legislative Districts containing more than one county the nominating petition in behalf of any candidate for the Legislature from such district shall be filed in the office of the County Auditor in the county in which the candidate resides thirty days prior to the holding of the primary and within five days thereafter said Auditor shall make a certified copy or copies thereof as the case may be and forward the same to the Auditor of each county in said legislative district. Said nominating petition shall be in substantially the same form as petition for county officers, with the same requirements as to signatures, execution, verification and declaration of candidate. The number of signatures shall be based on the vote cast for Governor in the district and the timely filing thereof shall entitle the candidate to have his name printed on the official ballot to be used at the primary in each county in such legislative district.

Section 8. The petition for the nomination of United States Senator, Representatives in Congress and Governor shall be in the same form and with the same requirements as that of the county officers except that each petition shall have attached thereto the names of not less than one per cent and not more than two per cent of the electors of the State of South Dakota for Governor at the last general election as shown by the official record and such petition when executed according to the above requirements shall be filed with the Secretary of State not less than thirty-five days prior to such primary and it shall be the duty of the Secretary of State within five days after the filing of such petition to transmit the names nominated by such petitions to the Auditors of the several counties of the State and it shall be the duty of the Auditor to print such names upon the official ballot of the county together with the names filed at his office by petition for the nomination to county and legislative office.

Section 9. Precinct Committeeman.] At the time of furnishing the primary election ballots to the several voting precincts of the county, the County Auditor shall also furnish a separate blank ballot for precinct committeeman and said ballot may be voted by the electors of such precinct by writing the name of his choice upon said ballot and such

ballot shall be deposited in the ballot box and canvassed by the primary election judges, and the person receiving the highest number of votes shall be the precinct committeeman for such precinct for the ensuing two years and until his successor is elected and qualified, and it shall be the duty of the precinct canvassing board to certify such election to the County Auditor.

Section 10. Filing of Petition.] The filing of a nominating petition within the time and in the manner and form provided in this Act with the declaration of the candidate that he will qualify if nominated and elected shall be sufficient to require that his name be printed upon the primary ballot and no other condition shall be imposed.

Section 11. Duty of the Auditor.] The County Auditor shall from the names filed in his office prepare the official ballot for use at the primary of each political party for whom candidates have been presented by petition and requests under the provision of this Act such official ballot shall be in substantially the following forms:

OFFICIAL PRIMARY BALLOT PARTY

To vote for a person whose name is printed on the ballot mark a cross (X) in square at the LEFT of the name of the candidate for whom you desire to vote.

Congressional—County—Legislative Officers and Delegates

Vote for One United States Senator John Doe John Doe	Vote for One John Doe John Doe	Treasurer	Vote for One John Doe John Doe	State's Attorney	Vote for One John Doe John Doe	Member State Central Committee
Vote for One John Doe John Doe	Vote for One John Doe John Doe	Sheriff	Vote for One John Doe John Doe	County Judge	Vote for John Doe John Doe	Justice of Peace
Vote for One John Doe John Doe	Vote for One John Doe John Doe	Register of Deeds	Vote for One John Doe John Doe	Surveyor	Vote for John Doe John Doe	Constables
Vote for One John Doe John Doe	Vote for One John Doe John Doe	Clerk of Courts	Vote for One John Doe John Doe	Coroner	Vote for John Doe John Doe	Delegates to State Convention
Vote for One John Doe John Doe	Vote for One John Doe John Doe	Superintendent of Schools	Vote for One John Doe John Doe	County Com- missioner	Vote for John Doe John Doe
Vote for One John Doe John Doe	Vote for One John Doe John Doe	Vote for One John Doe John Doe	Commissioner District	Vote for John Doe John Doe

Section 12. Number of Delegates, How Determined.] It shall be the duty of the Chairman of the Party State Central Committee, on or before the first day of March of each general election year, to apportion the number of delegates to be elected in the several counties in the State and on or before the 10th day of March of any such general election year notify the Chairman of the Party County Central Committee of such apportionment. In arriving at the apportionment each county shall be given one delegate for the county and one delegate for each hundred votes or major fraction thereof cast in the county for the party candidate for Governor at the last general election as shown by the official returns.

Section 13. Nomination of Delegates.] At least thirty-five days before any primary the Chairman of the Party County Central Committee shall convene the Party Central Committee of his county at the county seat at the hour of 11:00 o'clock A. M. of said day the members of the committee present constituting a quorum, and then and there said committee shall place in nomination candidates for delegates to the State Convention whose names shall be printed upon the official primary ballot provided for by this Act. In making such nominations the County Central Committee shall nominate twice as many candidates as there are delegates to be elected from the county which candidates shall be chosen as nearly as may be equally from the several county commissioner districts of the county, it being the intent of this Section to distribute the representation as nearly as may be over the county and give the electors of the county a voice in the election of the representatives of the county in such State Convention; provided, however, that within five days after such nominations have been certified to the County Auditor nominating petitions may be filed with the County Auditor for any other qualified elector member of the political party for which the above nominations have been filed which names shall be printed upon the official ballot together with the nominations made by the County Central Committee. Such petitions so filed shall comply with the provisions of this Act in every respect in which petitions for the nominations of county officers require. The County Central Committee shall also at the same meeting nominate one party candidate for State Committeeman whose name shall be printed upon the official primary ballot by the County Auditor.

It is hereby specifically provided that no member of the Party County Central Committee acting as such nominating committee shall be eligible to nomination as a party candidate for delegate to the State Convention herein provided for or party candidate for State Committeeman.

Section 14. State Convention.] The Party State Convention provided for in this Act shall be held in the City of Pierre on the third Tuesday in May of each general election year. The convention shall be called to order by the Chairman of the State Central Committee at 11:00 o'clock A. M. of that day. Then such convention shall proceed to establish a temporary organization by the election of a temporary chairman and secretary. The delegates present and holding certificates of election from the County Auditor of the county in which they were elected shall be eligible to vote in such convention. After a permanent organization has been perfected by the election of a permanent chairman and secretary or secretaries, the convention shall proceed to nominate all State officers except Governor including Supreme Court and Circuit Court Judges together with presidential electors in presidential election years and to elect a National Committeeman Chairman of the State Central Committee and delegates to the Party National Convention in presiden-

tial election years, provided that the Circuit Judges shall be nominated by the delegates from the Judicial Circuit in which he resides. The delegates from any county shall cast the full vote of the county and no proxies shall be allowed. Any candidate having received a majority of the vote in said convention shall be declared nominated and it shall be the duty of the chairman and secretary of such convention to certify such nominations to the Secretary of State and his name shall be printed on the official ballot at the succeeding general election. It shall be the duty of the Secretary of State to certify the names of such nominees to the several County Auditors of the State in time to prepare the official ballot. It shall also be the duty of the chairman and secretary of the convention to issue certificates of election to any person who may be elected to the office of the National Committeeman Chairman of the State Central Committee or delegates to the Party National Convention. It is hereby specifically provided that no person elected to such Party State Convention shall be eligible to nominations of any State office to be filled thereby.

Section 15. Party Candidates.] Any person who becomes a candidate for party nomination to any State office at such convention shall at least thirty days before any such State Convention convenes before which shall be a candidate, file a declaration with the Secretary of State in substantially the following form:

I, _____ hereby declare that I am a candidate for the office of _____, that I am not a candidate for any other office to be filled by nomination at such convention; that if I am not nominated to the office to which I aspire I will not accept the nomination to any other office nor will I become a candidate at the general election for such office. It shall be the duty of the Secretary of State to file copies of such declaration with the Chairman of the Convention and any nomination made by the Party Convention of any such candidate for an office other than the one to which he declares he is a candidate shall be void and the name not printed on the official primary ballot.

Section 16. County Conventions or proposal meetings for the nomination of party candidates and legislative officers and delegates are hereby abolished. The candidate who receives the highest vote as the candidate of his party for nomination for any office shall be nominated and entitled to have his name printed upon the ballot of his party as a candidate for such office at the following general election in November. The party candidate at the primary for election as a member of the State Central Committee for delegates to the Party State Convention who receives the highest number of votes shall be declared elected.

Section 17. Color of Ballots.] The color of ballots of all political parties shall be designated by the Secretary of State upon recommendation of the Chairman of the Party State Central Committee and shall be uniform in color in the several counties of the State, and when so designated shall remain the party color in succeeding primaries without change. As soon as selected the Secretary of State shall notify the County Auditor of each county of such selection provided that such selection shall be made and reported by the Secretary of State so as to reach the County Auditors at least thirty days before the date of such primary. Provided further that if any party chairman fails to indicate to the Secretary of State his choice of color of party ballot the Secretary of State shall designate the color of such party ballot for such party. The color of such ballots in all cases shall be distinct and unlike in each political party. The official primary ballot of each political

party shall be separately printed in black ink upon paper of uniform quality and the ballot shall vary in size and form only as to the names and number of candidates of each party may require.

Section 18. Duty of County Auditors.] The County Auditor shall at least thirty days prior to the primary date post in a conspicuous place near his office an announcement of the color of the primary ballot and shall also furnish a copy of such announcement to the official newspaper of the county which announcement shall be published therein for at least one week.

Section 19. Designation of Ballot.] At the top of the Primary Election Ballot in large letters there shall be words designating the ballot. If a Republican Ballot the words shall be REPUBLICAN PRIMARY BALLOT and like designation for the ballot of any other political party having ballot before such primary. The County Auditor shall furnish the copy of the official ballot to the printer not less than fifteen days prior to the date of the primary and the necessary number of official ballots and sample ballots shall be printed at the expense of the county provided the number of official Primary ballots shall be equal to one and one-half times the number of registered electors of each political party as shown by the Auditor's records at the time of submitting such copy to printer by the County Auditor and the number of sample ballots shall be equal to one-half of the number of registered electors as shown by such County Auditor's records.

Section 20. Party Registration.] No elector in the State of South Dakota shall be permitted to vote at any party Primary election unless he is duly registered as herein provided or unless he shows a substantiated affidavit that he is entitled to vote in such primary as hereinafter provided.

Section 21. Notice of Party Registration.] The County Auditor shall publish a notice in the official newspaper of the county for at least two issues commencing with the second issue in January prior to the primary, a notice in the following form:

NOTICE OF REGISTRATION

Notice is hereby given to all electors in _____ County that a primary election will be held on the _____ day of May for the purpose of placing in nomination party candidates for United States Senator, Representatives in Congress, Governor and County and Legislative officers and for the purpose of electing one party State Committeeman and _____ delegates to the party State Convention and no person will be allowed to vote any party ballot at such primary election unless he has registered his party affiliations with the County Auditor at least fifteen days before the date of such primary. Any qualified elector can register in person with the County Auditor or on card by mail.

County Auditor.

County.

Section 22. Registration by Card.] The County Auditor shall prepare cards with the notice provided in Section 21 of this Act printed upon the back thereof and upon the face the following:

FILL OUT, SIGN AND RETURN

To _____, County Auditor:

I hereby declare that I am a member of the _____ party and a qualified elector of _____ precinct; that I intend to vote

Laws—6.

the ballot at the primary and support the nominees of such primary and State Convention at the general election in November, and you are authorized to register me as a

Signed

Immediately after the first Monday in February the County Auditor shall mail one of such cards to each elector of the county as shown by the registration list in his office from the last general election and any other qualified elector of the county that may come to his knowledge.

Section 23. Registration Books.] From the names that have been registered in person and by card the County Auditor shall prepare the party registration book for each precinct of the county designating each registered elector by the initial of the name of the party for which he registered. Thus if he is a Republican "R" if a Democrat "D", etc., and furnish such registration books to the superintendent of the primary election judges when the election supplies are delivered to be used in such precinct at such primary election.

Section 24. Duty of Ballot Clerk.] It shall be the duty of the ballot clerk when an elector demands a ballot to ascertain from the registration book whether or not he is registered and if he is registered for what political party and if his name is found on the registration book to deliver to him the party primary ballot of the party he had declared he was a member of in his registration and for no other. If his name is not found in the registration book he is not entitled to vote for any party candidate and must be refused a ballot unless he makes affidavit substantiated by two registered electors of the political party of which he claims to be a member, a resident of the precinct in which he offers to vote showing that he is a member of the party in which he seeks to vote and that he failed to register on account of some unavoidable circumstance and when such affidavit properly substantiated as above provided has been made it shall be the duty of the ballot clerk to deliver to him a ballot. When the election is closed and convention is completed the registration books shall be placed in the ballot box together with the affidavits of unregistered electors who have been permitted to vote and returned to the County Auditor and kept in his office as permanent records.

Section 25. Notice of Primary Election.] Not less than thirty days prior to the holding of the primary the County Auditor shall prepare a notice in substantially the following form:

NOTICE OF PRIMARY ELECTION

Notice is hereby given that, as provided by law, a primary election will be held at the regular polling places in all of the voting precincts of County, South Dakota, on the day of May, 19..... between the hours of 8:00 o'clock A. M. and 5:00 o'clock P. M. for the purpose of allowing the members of each political party in the State by their own separate party vote to choose their several party candidates for County and Legislative offices which are to be filled by election at the next general election, and to elect their several State and precinct committeemen and delegates to their several party state conventions.

Dated this day of 19.....

.....
County Auditor.

Section 26. Further Duties of County Auditor.] The county shall also at the expense of the county, procure a sufficient number of printed copies of the Notice of the primaries prepared under the provisions of Section 25 of this Act and shall at least fifteen days prior to

the holding of the primary mail not less than five copies thereof to the town clerk of every organized township of the county and the city or town clerk or auditor of every town or city in the county a sufficient number of copies so that at least five copies may be posted in each precinct in such city or town. In cases where the voting precincts are not within an organized township, town or city the Auditor shall mail to some responsible elector residing within such precinct five copies of said notice.

Section 27. Auditor to Deliver Ballots and Supplies to Sheriff.] The County Auditor shall deliver ballots and other primary election supplies to the sheriff with the name of the precinct plainly marked thereon for which they are intended, the number of ballots enclosed for each political party, and take a receipt from the sheriff therefor. And the sheriff shall forthwith, and not less than twelve hours before the time fixed for the opening of the polls for the primary election judges of the precincts designated. For his services the sheriff shall recover from the county the same compensation as does he receive for like service rendered as provided by law for the November Election.

Section 28. Number of Ballots Provided.] The number of "Official Primary Ballots" for each political party in each election precinct shall be equal to sixty-five for each fifty registered primary electors of each party as shown by the primary registration records in the office of the County Auditor for each election precinct. The number of sample ballots provided shall be not more than twenty for each fifty registered primary electors of each political party in each election precinct. The remainder of the "Official Primary Ballots" shall be retained by the County Auditor in his office to supply any precinct that may through loss or destruction of regular official primary ballots, which extra ballots may be supplied any such precinct by the County Auditor upon request made by the judges of such primary in any such precinct.

Section 29. Judges; How Appointed.] The County Auditor shall not less than fifteen days before any primary appoint three judges of election for each precinct, one of whom shall be designated by the County Auditor as Superintendent. If there are three political parties that have candidates before such primary the County Auditor shall appoint one judge from each of the three parties, but if there are less than three political parties participating then the County Auditor shall use his own discretion in such appointive distribution.

Section 30. It shall be the duty of the Judge appointed and designated as Superintendent to erect and have ready for the primary a sufficient number of booths, which shall be furnished by the County, together with other supplies as shall enable the voter to prepare his ballot, without delay or interference. The provisions for voting shall be the same as now provided by law for voting at the general election.

Section 31. If any person appointed as judge of election fails to qualify and serve such judge the place shall be filled by the electors present representing the several political parties present, and the person so selected to fill the vacancy shall be vested with the same power for that primary as if appointed judge of election by the County Auditor. The judges shall choose two electors to act as clerks of the primary election.

Section 32. Judges May Administer Oath.] The judges of said primary election and each of them are hereby empowered to administer to each other and to the clerks the oath of office, which oath shall be taken previous to the votes being taken. Such oath shall be the same as now prescribed for Judges and Clerks of any general election.

The primary election shall in all cases be conducted in conformity with the laws governing the conduct of general elections insofar as the same are not modified by the provisions of this Act or are not inconsistent with its terms.

Section 33. **Illegal Voting; Penalty.]** Any person knowing himself ineligible to vote who votes or who impersonates or attempts to impersonate a registered elector in or to vote at a primary election shall be punished by a fine not exceeding two hundred (\$200.00) dollars or by imprisonment in the county jail not exceeding six months.

Section 34. **Interference Prohibited.]** It shall be unlawful for any person who is a member of one political party to interfere with any other political party in the voting of the members thereof or obstruct the voting of such party at such primary or to create any disturbance in or about the polling place on primary election day, or to attempt to intimidate any registered elector or to induce any registered elector to remain away from the polls on primary election day, or to electioneer or persuade any elector to vote for or against any candidate when such electioneering or solicitation is within fifty feet of the polls. It shall also be unlawful for any judge of clerk of election to volunteer or give any advice to any elector as for whom he should vote or against while such judge or clerk of election is acting as such. Any person violating the provisions of this Section shall be deemed guilty of a misdemeanor and punished accordingly.

Section 35. **Voting at the Primary; Duties of Judges.]** One of the judges of the primary election shall have charge of all of the ballots and also of the party primary registration book and as each voter of any election precinct presents himself and requests a ballot he shall, the judge having such ballots in charge, be asked: "Of what party are you a member?" and upon the voter stating to what party he belongs, the judge of election having charge shall stamp such ballot on the back with a stamp to be furnished by the county "Official Primary Ballot" and deliver to each voter the party ballot to which he shall be entitled, according to his party registration as an elector under the provisions of this Act. Any registered elector who from physical disability is unable to mark his ballot may call on one of the judges who may mark the ballot for him as he directs and deposit the same in the ballot box.

Section 36. **Poll Books.]** A party registration book and two poll books shall be furnished to each election precinct by the County Auditor at the expense of the County of all which should be returned to the County Auditor by the election judges after the canvass of the vote within the precinct, and shall be and remain a part of the records of the office.

Section 37. **Opening of Polls.]** Upon the opening of the polls one of the judges shall announce the fact and after the polls are open no adjournment or recess shall be had until the ballots are canvassed and returns made. Thirty minutes before the closing of the polls announcement shall be made that the polls will be closed in one half hour. After which the votes shall be canvassed at the polling place by the officers and under the same rules and restrictions that govern judges with like duties at any general election, and the returns of such primary be made by one of the judges the same as general election returns are made.

Section 38. **False Returns.]** Any judge or clerk of any primary election or any county canvassing board or other officer whose duty it is to keep, make or canvass or deliver returns of any primary election, who shall knowingly and wilfully make any false canvass, count, certificate, abstract list or return, or who shall alter or change the same after hav-

ing been correctly made or who shall fail to preserve, forward and deliver any returns entrusted to him for that purpose shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding three hundred (\$300.00) dollars or by imprisonment in the county jail not exceeding three months.

Section 39. Marking Ballots.] No official ballot shall be marked in any way other than by a cross (X) in the square at the left of the name of the candidate the elector wishes to vote for, and any ballot marked otherwise shall be marked on the back by the election judges "Not Canvassed" unless such marking is sufficiently plain to enable the judges to determine the intent of the voter. The ballots so marked "Not Canvassed" shall be placed in a separate envelope upon which shall have endorsed thereon the words "Primary Ballots Not Canvassed" and such ballots shall be subject to review by the County Primary Election County Election Board and if such county canvassing board shall be able to determine the intent of the voter it shall add such vote to the list returned from such primary election precinct for the candidate or candidates for which such vote was intended by the voter.

Section 40. Names of Voters Entered by Clerk.] The name of every voter whose vote is accepted at a primary election shall be entered by the clerks upon the poll books and there shall also be entered by the clerks in such poll books opposite the name of each person voting, in a column arranged in said books for that purpose, a letter or other designation showing the name of the political party whose ballot such elector voted.

Section 41. Canvass of Votes.] On the first Saturday after the primary the County Auditor shall, with the assistance of the Clerk of Courts and the County Judge, open and canvass all of said returns and make separate statements for each political party which shall show the total number of votes cast for each candidate whose name is printed or written on the official party ballot of each party and the same shall be kept on file in the office of the County Auditor.

Section 42. Highest Vote Nominates or Elects.] Any candidate for nomination or election, as provided in this Act, who receives the highest number of votes by the voters of his party for any candidate for nomination or election as the case may be, to the office for which he is a candidate shall be the nominee of such party for such office, or if an elective position at such primary shall be elected to such position, and the canvassing board shall issue to such nominated or elected candidates a certificate of nomination or election as the case may be. And the County Auditor shall print the names of such nominees upon the official ballot at the following general election.

Section 43. Party Platform.] At the State Convention provided for by this Act the delegates present shall promulgate and a platform of principles for such party and such platform of principles shall thereafter until the next succeeding State Convention, be the platform of such party and shall not be usurped by any other political party.

Section 44. Organization of County Central Committee.] The chairman of the County Central Committee of each political party shall be selected by the candidates of that party for county and legislative officers. Such chairman shall select his own secretary but said County Central Committee shall select its treasurer. Any vacancy in such County Central Committee shall be filled by appointment by the chairman thereof.

Section 45. Central Committee to Fill Vacancies.] The County and State Central Committee shall respectively have the power and

authority to fill all vacancies in their party ticket caused by the removal of any candidate from the district, county or state or for any other cause either before the primary or the following general election, provided that vacancies in the office of candidate for Circuit Judge shall be filled by the State Central Committeemen within the circuit. And may also adopt resolutions governing such Central Committee.

Section 46. Vacancies in Legislative Districts Comprising More Than One County.] If for any reason a vacancy occurs of a candidate for member of the legislature of a district comprising more than one county either before the primary or the following general election, such vacancy shall be filled by the joint action of the Central Committees of counties constituting such legislative district.

Section 47. Duty of Attorney General.] It shall be the duty of the Attorney General and Secretary of State to prepare all forms necessary to carry out the provisions of this Act and to give such information as may be necessary to the furtherance of the successful operation of this Act.

Section 48. General Election Laws Govern When.] The provisions of the statute now in force in relation to the holding of general elections, the soliciting of votes at the polls, the bribing or attempting to bribe voters, the manner of conducting elections, and all other kindred subjects, not specifically provided for herein, shall apply to all primary elections held under the provisions of this Act insofar as they are consistent with the same; the intent of this Act being to place the primary election, except where otherwise provided, under the regulations and protection of the laws now in force as to general elections.

Section 49. Holidays.] The days herein appointed for holding primary elections shall be legal holidays.

Section 50. Repeal.] Sections 7097 to 7189 and 7200 inclusive of the Revised Code of 1919, and all Acts and parts of Acts in any way applying to primary elections or the nomination of party candidates for public officers covered by this Act are hereby repealed.

Section 51. Submission to the Electors for Approval.] This Act shall be submitted to the electors of the State of South Dakota at the general election in 1920, upon a separate ballot, for approval and when approved shall be in full force and effect.

Approved June 30, 1920.

Public Officers

CHAPTER 79.

(H. B. 61.)

RELATING TO SALARIES OF OFFICERS AND EMPLOYEES FOR THE
FISCAL YEAR 1920-1.

AN ACT Entitled, An Act Relating to Public Officers and Employees, Their Salaries and Compensation, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. In all cases where the legislature has appropriated by general appropriation bills for the fiscal year 1920 and 1921, amounts for the compensation of public officers and employees in excess of the

amounts fixed by any other statute, such officers shall nevertheless be entitled to receive and shall be paid the full amounts so appropriated for such salaries and compensation, during said fiscal year, any other statutes fixing the salaries and compensation of such officers or employees to the contrary notwithstanding, the purpose and intent of this Act being to fix the salaries and compensation of all officers and employees for whom appropriations have been made by the general appropriation bills for the fiscal year 1920 and 1921, at the amounts so appropriated for such fiscal year only, and such other statutes shall remain in full force and effect except as affected hereby.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved June 30, 1920.

Railroad Commission

CHAPTER 80.

(S. B. 1.)

RELATING TO ELECTION OF RAILROAD COMMISSIONERS.

AN ACT Entitled, An Act to Amend Section 9493 of the Revised Code of 1919 of the State of South Dakota, Relating to the Election and Term of Office of Railroad Commissioners.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 9493 of the Revised Code of 1919 of the State of South Dakota be and it is hereby amended to read as follows:

Section 9493. Election and Term of Office.] At the general election in the year 1920, and every second year thereafter at such election, there shall be chosen by the qualified electors of the State at large, one person as Railroad Commissioner, having the qualifications prescribed by law, who shall hold his office for a term of six years from the first Tuesday after the first Monday in January following his election and until his successor is elected and qualified, which commissioner shall fill the vacancy caused by the expiration of the term of office of the commissioner whose term of office expires on the succeeding first Tuesday after the first Monday in January.

Section 2. Repeal.] All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved June 30, 1920.

CHAPTER 81.

(S. B. 12.)

RELATING TO REVIEW OF DECISIONS OF THE RAILROAD COMMISSION.

AN ACT Entitled, An Act to Amend Sections 9590, 9591, 9592 and 9593 of the Revised Code of 1919, as Amended by Chapter 290 of the Laws of 1919 of the State of South Dakota and to Amend Sections 9594, 9595 and 9596 of the Revised Code of 1919, of the State of South Dakota, Relating to Trials Before the Board of Railroad Commissioners and to the Review of Orders and Decisions of the Board of Railroad Commissioners of the State of South Dakota.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 9590 of the Revised Code of 1919, as amended by Chapter 290 of the Laws of 1919, of the State of South Dakota, be and it is hereby amended to read as follows:

Section 9590. [Rehearings.] Within thirty days after any final order or decision has been made by the board, any party to the action or proceeding, or any person, partnership, association or corporation, affected thereby, may apply to the board for a rehearing in respect to any matters determined in said action or proceeding and specified in the application for rehearing, and the board may grant and hold such rehearing on such matters if, in its judgment, sufficient reason therefor be made to appear; and, if it grant a rehearing, it may in its discretion suspend or refuse to suspend the final order or decision pending the determination of the proceeding on rehearing. If, after a rehearing and a reconsideration of all facts, including those arising after the making of the final order or decision, the board shall be of the opinion that the original order or decision, or any part thereof, is in any respect unjust or unwarranted, or should be changed, the board may abrogate, change or modify the same. An order or decision made after such rehearing, abrogating, changing or modifying the original order or decision, shall have the same force and effect as an original order or decision, but shall not affect any right or the enforcement of any right arising from or by virtue of the original order or decision, unless and except as ordered by the board.

Section 2. That Section 9591 of the Revised Code of 1919, as amended by Chapter 290 of the Laws of 1919, of the State of South Dakota, be and the same is hereby amended to read as follows:

Section 9591. Review—Writ of Certiorari.] Within thirty days after application for a rehearing is denied, or if the application is granted, then within thirty days after the rendition of the decision on rehearing, the applicant may apply to the Supreme Court of this State for a writ of certiorari for the purpose of having the lawfulness of the original order or decision, or the order or decision on rehearing, inquired into and determined. Such writ shall be made returnable not later than sixty days after the date of the issuance thereof and shall direct the board of railroad commissioners to certify its final record or judgment roll in the case to the court. The court may grant the writ without notice to the adverse party, or to the board or to the Attorney General, except in such cases, as in its judgment, require the giving of such notice. The issuance of the writ, and service thereof upon the adverse party, the secretary of the board and the Attorney General, shall operate as a stay of further proceedings before the board of railroad commissioners in the matter to be reviewed without an express provision to that effect in the writ, except

that the court may otherwise direct in proper cases. The writ must be served upon the adverse party, the secretary of the board of railroad commissioners and the Attorney General, and the Court may direct such service of the writ to be made by mail. On the return date the cause shall be heard by the Supreme Court unless for a good reason shown the same is continued. No new or additional evidence may be introduced or received in the Supreme Court, but said cause shall be heard and determined in the Supreme Court upon the record of the board as certified by it. The board of railroad commissioners, the Attorney General and each party to the action or proceeding before the board, as well as any person, partnership, association or corporation, affected by the final order or decision of the board, shall have the right to appear and be heard in the review proceeding. The provisions of the Revised Code of this State relating to writs of certiorari shall, so far as applicable and not in conflict with the provisions of this Act, apply to proceedings instituted in the Supreme Court under the provisions of this Act.

Section 3. That Section 9592 of the Revised Code of 1919, as amended by Chapter 290 of the Laws of 1919 of the State of South Dakota, be and it is hereby amended to read as follows:

Section 9592. Return to Writ—Briefs.] In granting the writ the Supreme Court may specify and fix a date, prior to the return date of the writ or prior to the hearing upon the writ, on or before which the board of railroad commissioners shall certify and file in the Supreme Court its final record or judgment roll, and it may fix such dates for the serving and filing of briefs on the part of the petitioner and the board and other parties entitled to be heard in such proceeding as, in its opinion, the necessities of the case may require. The certification and filing of the final record or judgment roll in the Supreme Court shall be deemed a sufficient return to the writ by the board, without the service of a copy thereof upon the petitioner for the writ. When such return is certified and filed, the clerk of the Supreme Court shall immediately notify the petitioner and the Attorney General of the fact, and date thereof.

Section 4. That Section 9593 of the Revised Code of 1919, as amended by Chapter 290 of the Session Laws of 1919 of the State of South Dakota, be and it is hereby amended to read as follows:

Section 9593. Extent of Review.] The review upon the writ shall not be extended further than to determine whether the board of railroad commissioners has regularly pursued its authority, including the determination of whether the final order or decision under review violates any right of the petitioner under the Constitution or Laws of the United States of America or of the State of South Dakota. The findings and conclusions of the board on questions of fact shall be final and shall not be subject to review. Upon the hearing the Supreme Court shall enter judgment either affirming or setting aside the final order or decision of the board.

Section 5. That Section 9594 of the Revised Code of 1919 of the State of South Dakota be and the same is hereby amended to read as follows:

Section 9594. When Order Absolute.] In case any person, partnership, association, or corporation, a party to any proceeding before the board, shall fail to apply for a rehearing as provided in Section 1 of this Act, then as to such person, partnership, association or corporation, the final order or decision of the board shall be absolute, and such party shall have no right to apply for, or be granted, a writ of certiorari for the review of such final order or decision of the board. If any party to

any such proceeding shall fail to apply to the Supreme Court for a writ of certiorari in the manner provided in Section 2 of this Act, and within the time therein specified after the application for rehearing has been denied, or if the application has been granted, within the time therein specified after the rendition of the decision on rehearing, then as to such party the final order or decision of the board shall be absolute.

Section 6. That Section 9595 of the Revised Code of 1919 of the State of South Dakota be and it is hereby amended to read as follows:

Section 9595. Review Only by Certiorari.] No court of this State, except the Supreme Court, to the extent specified in this Act, shall have jurisdiction to review, reverse, correct or annul any order or decision of the board of railroad commissioners, or to suspend or delay the execution or operation thereof, or to enjoin, restrain, or interfere with the board in the performance of its official duties; provided that the writ of mandamus shall lie from the Supreme Court to the board in all proper cases.

Section 7. That Section 9596 of the Revised Code of 1919 of the State of South Dakota be and it is hereby amended to read as follows:

Section 9596. Enforced by Mandamus.] If any common carrier or any person, partnership, association or corporation, or any officer, agent or receiver of such common carrier, person, partnership, association or corporation having failed to apply to the Supreme Court for a writ of certiorari to review any final order or decision of the board of railroad commissioners, or having applied for such writ and the final order or decision of the board having been affirmed, shall fail, neglect, or refuse to obey such final order or decision, the enforcement of such order or decision shall be by a proceeding in mandamus in the circuit court of any county in this State in which such common carrier, person, partnership, association, or corporation operates or is transacting business, in accordance with the provisions of Section 9521 of the Revised Code.

Section 8. Repeal.] All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved June 30, 1920.

Securities Commission

CHAPTER 82.

(S. B. 46.)

RELATING TO SECURITIES COMMISSION AND TO OBLIGATIONS GIVEN FOR SECURITIES SOLD IN VIOLATION OF LAW.

AN ACT Entitled, An Act to Amend Sections 10127 and 10130 of the South Dakota Revised Code of 1919 as the Same Are Amended by Sections 1 and 2 of Chapter 310 of the Session Laws of 1919, and to Amend Sections 10142 and 10149 of the South Dakota Revised Code of 1919, and to Repeal Section 10146 of the South Dakota Revised Code of 1919 and to Substitute in Lieu Thereof a New Section to be Known as Section 10146, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Section 10127 of the South Dakota Revised Code of 1919, as amended by Section 1 of Chapter 310 of the Session Laws of South Dakota for the year 1919 is hereby amended to read as follows:

Section 10127. Membership.] The Securities Commission, heretofore created, whose duty it shall be to administer and provide for the en-

forcement of the provisions of this chapter, shall continue to consist of the Superintendent of Banks, who shall be president thereof, the Attorney General, the Rural Credit Commissioner, all of whom shall be members of such Commission during their terms of office, and one other member to be appointed by the Governor and who shall serve for a term of three (3) years, unless sooner removed by the Governor. The member so appointed shall be the executive officer and ex-officio secretary of the Commission and shall devote his entire time and attention to the duties of his office and shall receive a salary of thirty-six hundred (\$3,600.00) dollars per annum, payable monthly. He shall at the time of his appointment, subscribe and file the usual oath and furnish a bond in the sum of five thousand (\$5,000.00) dollars, to be approved and filed as are the bonds of other State officers. The other members of said Commission shall be entitled to receive for their services, a salary of \$1,200.00 per year, payable monthly as the salaries of other State officers are paid; provided, that any member of this Commission who receives \$4,000.00 per annum or more as salary or compensation for his services in connection with any other State office, shall not be entitled to receive any additional compensation for services performed as a member of the State Securities Commission. Any three (3) members of which Commission shall constitute a quorum. Such Commission shall have its office in the Capitol, in a room to be furnished and equipped by the State, and all of its records shall be there kept. It shall hold regular monthly meetings on such dates as may be determined by the Commission and may hold special meetings on the call of the executive officer. It shall keep a complete record of all its meetings, its accounts and the business it transacts, and may prepare all necessary blanks to be used in its proceedings and in the conduct of its business.

The executive officer, when acting for the Commission, shall have equal power and authority, subject to the approval of the Commission, and he may be authorized to reject applications subject to review. He shall attend to and perform any and all detail work relative to the Commission. Such Commission shall have power to employ such assistance as may be necessary to carry out the provisions of this chapter. Such Commission shall annually make a report to the Governor at the time and in the manner provided in Sections 6922 and 7067, containing an accurate review of the work of the Commission, a schedule of the permits granted, schedule of the applications rejected, a statement of the receipts and disbursements of the Commission and such other material information as relates to the work of the office.

Section 2. Section 10130 of the South Dakota Revised Code of 1919, as amended by Section 2 of Chapter 310 of the Session Laws of South Dakota for the year 1919 is hereby amended to read as follows:

Section 10130. Company Must File Statement.] Before selling, offering for sale, taking subscriptions for, or negotiating for the sale in any manner whatever in this State, of any stocks, bonds, investment contracts or service contracts, purchase contracts, membership certificates which purport to create a liability on the part of the issuer, or other securities of its own issue, every investment company, domestic or foreign, shall file in the office of the Commission a statement showing in full detail the plan upon which it proposes to transact business; a copy of all contracts, stocks, bonds or other instruments which it proposes to make with or sell to its contributors or customers, together with a copy of its prospectus and the proposed advertisements of its sale of stocks, bonds, investment contracts, or service contracts, purchase contracts, membership certificates or other securities, which statement shall show

the name, location and main office of the investment company, the names and addresses of its officers and an itemized account of its financial condition, the amount of its assets and liabilities, and such other information touching its conditions and affairs as the Commission may require. No partnership, association or corporation shall be permitted to sell preferred stock within the State of South Dakota if the holders of such preferred stock are not given voting power equally with the holders of the common stock, unless the company shall have and shall undertake and agree to maintain at all times tangible net assets, exclusive of patent rights, trade marks and good will, in an amount at least double the par value of all outstanding preferred stock, nor unless such company shall further undertake and agree not to place any mortgage or other incumbrances upon its property without the consent, at a regular or legally called special stockholder's meeting, of at least three-fourths of the preferred stockholders, and unless such preferred stock shall be preferred both as to assets and as to dividends. If such investment company shall be a partnership or an unincorporated association, it shall also file with the Commission a copy of its articles of partnership or association, and all other papers pertaining to its organization. If it be a corporation organized under the laws of this State, it shall also file with the Commission a copy of its articles of incorporation, constitution and by-laws, and all other papers pertaining to its organization. If it shall be an investment company organized under the laws of any other state, territory or government, incorporated or unincorporated, it shall also file with the Commission a copy of the laws of the state, territory or government under which it exists or is incorporated, and also a copy of its charter and the certificate of the proper officer of such state, territory or government, showing that it is authorized to transact business therein; and also copies of its constitution and by-laws and all amendments to such instruments, if any have been made, and all other papers pertaining to its organization. Every such investment company, foreign or domestic, shall pay a certificate fee of one-tenth of one per cent upon the face value of the securities which it may be licensed to sell, up to the amount of fifty thousand (\$50,000.00) dollars, and at the rate of two-tenths of one per cent upon the face value of the securities which it may be licensed to sell in excess of fifty thousand dollars (\$50,000.00); provided, however, that such certificate fee shall not in any case be more than five hundred (\$500.00) dollars, nor less than ten (\$10.00) dollars; and in addition thereto, any co-operative association or corporation organized and doing business wholly within this State and any other corporation or association applying for license to sell its stock or securities, whose capital stock does not exceed fifty thousand (\$50,000.00) dollars, shall pay a filing fee of fifteen (\$15.00) dollars; every association or corporation, not a local co-operative association or corporation, whose capital stock exceeds fifty thousand (\$50,000) dollars, shall pay a filing fee of twenty-five (\$25.00) dollars.

Section 3. Section 10142 of the South Dakota Revised Code of 1919 is hereby amended to read as follows:

Section 10142. Records Public.] The records of the Securities Commission shall be public records and it shall be the duty of the Commission to preserve such information and to so classify and arrange the same as to facilitate examination by any person affected by matters therein contained, except that the Commission may, in its discretion, withhold information relating to the private affairs of persons or corporations when in its judgment the same shall not be required for the public welfare, or any information relative to any matter that may be at

issue in any court, unless upon an order of court. The Commission may from time to time issue in pamphlet form, or by means of newspaper advertisements or otherwise, any and all information regarding any and all contracts, certificates, stocks, bonds or other securities sold or offered for sale within this State which it deems to be of public interest or advantage. The Commission shall provide for furnishing to those who may apply therefor, any information regarding any investment company or its affairs, which is on file in the office of the Commission, except such as is withheld by the Commission pursuant to the foregoing provisions of this section; and the Commission shall charge therefor approximately the cost of preparing and furnishing such information.

Section 4. Section 10146 of the South Dakota Revised Code of 1919 is hereby repealed, and a new section forming a part of Chapter 13 of Part 12, Title 6 of the South Dakota Revised Code of 1919 is hereby enacted and substituted in lieu of said original section to read as follows:

Section 10146. Contracts in Violation of this Chapter Are Void. Penalty for Aiding in Making Unlawful Sales.] Every evidence of indebtedness or other contract or obligation incurred, made or given for stocks, securities or other obligations sold in violation of any of the provisions of this chapter, are void in the hands of any but a bona fide holder in due course, as defined by the negotiable instruments law, and no action shall be maintained in any court of this State for the enforcement of any such contract or obligation. Every person, firm or corporation aiding or assisting any investment company or dealer or representative, agent or salesman, either directly or indirectly, taking subscriptions for or negotiating for the sale of any stocks, bonds, investment contracts, service contracts, purchase contracts, membership certificates or other securities, except such as are lawfully permitted to be sold within this State, under the provisions of this chapter, shall be guilty of a violation of this Act in the same manner and to the same degree as his or its principal, and shall be subject to the penalties provided by Section 10149 of this chapter, as amended by Section 5 of Chapter 310 of the Session Laws of South Dakota for the year 1919, and as further amended by this Act.

Section 5. Section 10149 of the South Dakota Code of 1919 is hereby amended to read as follows:

Section 10149. Violation—Penalty.] Any person, firm or corporation who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than two hundred (\$200.00) dollars, and not exceeding one thousand (\$1,000.00) dollars, or by imprisonment in the county jail for a term of not less than sixty days and not exceeding one year, or by both such fine and imprisonment. It shall be unlawful for any person, firm or corporation to violate or fail to comply with any order, restriction, limitation, or requirement made or imposed by the Commission, and any person, firm or corporation who shall fail or neglect to comply with any order, limitation, restriction or requirement or who shall violate any of the same shall be deemed guilty of a misdemeanor and upon conviction shall be punished as in this section provided.

Section 6. Whereas, a large number of enterprises are being organized at the present time, and whereas the present law is inadequate and whereas, this statute is necessary for the immediate preservation of the safety and support of the State Government and its existing institutions, an emergency is hereby declared to exist and this Act shall take effect and be in force from and after the date of its passage and approval.

Approved July 3, 1920.

Soldiers and Sailors

CHAPTER 83.

(S. B. 24.)

RELATING TO EXPENSE OF BURIAL.

AN ACT Entitled, An Act to Amend Section 9963 of the South Dakota Revised Code of 1919, Relating to Expenses of Burial of Deceased Honorably Discharged United States Soldiers, Sailors, Marines or Aviators, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 9963 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 9963. Any honorably discharged United States soldier, sailor, marine or aviator, who shall hereafter die within this State and whose estate shall not be sufficient or whose relatives and friends are unable or unwilling to defray the charges of his funeral, shall be buried at the expense of this State, providing, that such funeral expenses, including cost of burial lot, shall not in any case exceed the sum of one hundred dollars.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing institutions, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved June 30, 1920.

State Capitol Commission

CHAPTER 84.

(S. B. 56.)

RELATING TO A HOME FOR THE GOVERNOR.

AN ACT Entitled, An Act Relating to Improvement of the Capitol Grounds at Pierre, South Dakota, and Authorizing the Acquiring of Grounds for a Governor's Home, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. The State Capitol Commission is hereby authorized and directed to prepare plans for a Governor's home, to secure grounds by purchase or condemnation for a site and to connect such site and harmonize same with the present capitol grounds; to prepare the grounds for building, and to present plans for the completed building and improvement at the next regular session of the Legislature. For

this purpose the Capitol Commission shall use funds placed at its disposal by Chapter 322, Laws of 1919.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved July 3, 1920.

CHAPTER 85.

(S. B. 58.)

RELATING TO THE CONTROL OF AUTOMOBILES USED IN STATE BUSINESS.

AN ACT Entitled, An Act Relating to the Use of Automobiles on State Business and Prescribing Certain Powers and Duties for the Capitol Commission in Connection Therewith, and Declaring an Emergency Therefor.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. The management and control of all automobiles which are used in the transaction of the State's business is hereby placed in the Capitol Commission as constituted by Section 10177 of the Revised Political Code of 1919.

Section 2. It shall be the duty of the said Capitol Commission on or before the first of May of each year to prescribe a rate per mile which shall be paid to those operating privately owned cars on State business. The Capitol Commission may change such established rate at any time any such change shall be deemed necessary in keeping with the actual cost of operation. It shall be lawful for the State Auditor to issue warrants covering automobile expense at the rate so specified by said Capitol Commission upon the sworn statement thereof of parties using such cars.

Section 3. It shall be the duty of said Capitol Commission to from time to time promulgate such rules and regulations governing and controlling the use of State owned cars as in their judgment shall be deemed necessary for the proper protection of the State's interests.

Section 4. It shall be the duty of said Capitol Commission to perfect contracts for tires, supplies or accessories with the companies handling said supplies when said contracts can be made advantageously covering all State cars.

Section 5. Said Capitol Commission is hereby authorized to delegate supervision over all State owned cars and trucks either to one of its members or to such individuals as it shall deem advisable.

Section 6. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 7. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved June 30, 1920.

State Engineer

CHAPTER 86.

(S. B. 27.)

RELATING TO THE OFFICE OF STATE ENGINEER.

AN ACT Entitled, An Act to Amend Sections 8183 and 8184 of the South Dakota Revised Code of 1919, Relating to the State Engineer, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 8183 of the South Dakota Revised Code of 1919 be and it is hereby amended to read as follows:

Section 8183. Appointment, Qualifications, General Powers, Salary.] The State Engineer shall be a technically qualified and experienced civil and hydraulic engineer, appointed by the Governor and confirmed by the Senate, who shall hold office for the term of four years from and after his appointment, or until his successor shall have been appointed and shall have qualified, and be subject to removal by the Governor; he shall have general supervision of the waters of the State, and the measurements, appropriation and distribution thereof, and shall perform such other duties as may be prescribed by law; and shall receive a salary of not to exceed thirty-six hundred dollars per annum. The office of the State Engineer shall be located at the seat of government.

Section 2. That Section 8184 of the South Dakota Revised Code of 1919 be and it is hereby amended to read as follows:

Section 8184. Deputy, Heating Engineer, Assistants.] The State Engineer may appoint a deputy, a heating engineer and not to exceed five assistants, and purchase all materials and supplies for the proper conduct and maintenance of his office, except such supplies as are under the supervision of the Commissioner of Public Printing and the Superintendent of the Capitol. The deputy state engineer shall have all the authority of the State Engineer. The deputy State engineer and the heating engineer shall each receive a salary of not more than twenty-five hundred dollars per annum.

Section 3. Whereas, this Act is necessary for the support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Approved July 2, 1920.

State Funds

CHAPTER 87.

(H. B. 21.)

RELATING TO FOREST RESERVE FUNDS.

AN ACT Entitled, An Act to Amend Section 8048 of the Revised Political Code of 1919, Pertaining to the Distribution of the Forest Reserve Fund, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 8048 of the Revised Political Code of 1919 be amended to read as follows:

"Section 8048. Funds Distributed.] All money now in the hands of the State Treasurer in the special forest reserve fund, received from the forest service of the United States under the Agricultural Act approved June 30, 1906, together with all subsequent receipts from the Black Hills Forest Reserve, shall be distributed annually to the counties of Lawrence, Meade, Pennington, Custer and Fall River, for the benefit of the public roads and public schools of such counties, in proportion to the area of such Black Hills Forest Reserve in each county, and all money hereafter received by the State Treasurer as a percentage of the gross receipts from the Cave Hills, Short Pine and Slim Butte Forest Reserves shall be annually paid to Harding County for the benefit of the public roads and public schools of such county; provided, that there shall not be paid to any county an amount equal to more than forty per cent of the total income of such county, from all sources."

Section 2. Whereas, there is now in the State Treasury in the said Forest Reserve Fund apportioned to said Fall River County a certain sum of money which same can not be paid until said Section 8048 shall have been amended as in this Act provided, wherefore, this Act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Approved June 30, 1920.

CHAPTER 88.

(S. B. 60.)

PROVIDING FOR TEMPORARY TRANSFER OF STATE FUNDS.

AN ACT Entitled, An Act Providing for the Temporary Transfer of Funds in the State Treasury, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Temporary Transfer of Funds.] Whenever moneys shall have been actually provided for any funds of the State by levy of taxes, sale of bonds or warrants, or otherwise, and such moneys shall

Laws—7.

not have been actually collected and covered into the State Treasury, but concerning the receipt of which moneys there can be no question, the State Board of Finance are authorized, by a unanimous vote to anticipate the receipt of such moneys into such fund by drawing temporarily upon the moneys in any other fund of the State for which there shall not be immediate use. Any fund temporarily depleted by virtue of the foregoing provision shall be fully restored within nine months after a draft of same for another fund shall have been made, and the moneys coming into the latter fund shall first be used to restore such depletion. The board shall provide for reimbursing the fund from which funds are temporarily withdrawn. The books of the State Treasurer shall at all times show the true amount of moneys in any particular fund, as well as any temporary withdrawal therefrom.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved June 30, 1920.

State Highway Commission

CHAPTER 89.

(S. B. 51.)

AMENDING STATE HIGHWAY COMMISSION ACT.

AN ACT Entitled, An Act to Amend Sections 5, 15, 32, 33, 44, 54, 56, 58, 64 and 68 of Chapter 333 of the Session Laws of 1919, Relating to the Use of State Highway Funds, Federal Aid Funds and Motor Vehicle Funds, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Sections 5, 15, 32, 33, 44, 54, 56, 58, 64 and 68 of Chapter 333 of the Session Laws of 1919 be and the same are hereby amended to read as follows:

Section 5. The salary and expenses of the Highway Commission, Engineer, deputies, assistants and employees, their necessary expenses, and the expense of maintaining the office of the Highway Commission shall be paid by the State Treasurer from the State Highway funds after the same have been duly audited by the State Auditor; and so much of said state highway funds as is necessary for said purpose is hereby annually appropriated from said state highway funds for said purpose.

Section 15. The Board of County Commissioners shall, within ninety days after the passage of this Act employ a County Highway Superintendent at a compensation not less than \$1,200.00 per annum and all expenses actually and necessarily incurred in the performance of his duties to be paid out of the general funds of the county, as may be fixed by the Board of County Commissioners, provided that the County Highway Superintendent shall not hold any other public office within the county, or receive any compensation, salary or fees from any public source while acting in said capacity, and that all appointments of County

Highway Superintendent shall be approved by the Highway Commission, provided that no member of the Board of County Commissioners shall be appointed as County Highway Superintendent. The term of office of the County Highway Superintendent shall be for two years.

The County Highway Superintendent shall have charge of all road construction and maintenance in the county, subject to the approval of the Board of County Commissioners. In case of a disagreement between the County Superintendent of Highways and the Board of County Commissioners an appeal may be taken to the Highway Commission whose decision shall be final.

The County Highway Superintendent shall be provided with a suitable office by the county and shall file a bond to the county for the faithful performance of his duties in a sum not less than two thousand dollars (\$2,000.00) nor more than five thousand dollars (\$5,000.00) to be fixed by resolution by the Board of County Commissioners. The tenure of office of any County Highway Superintendent may be terminated by the Board of County Commissioners for cause with the approval of the Highway Commission or by the Highway Commission for incompetency.

Section 32. All bridges, abutments and approaches or repairs to bridges hereafter required in any county of this State, shall be constructed in accordance with plans and specifications therefor, which shall be prepared by the State Highway Commission and which shall show and describe the style and size thereof, the kind, weight and quality of all materials to be used in their construction and the proper proportion of the ingredients for mixture and reinforcements. Upon determining the necessity of any such bridge, abutments, repairs or approaches, the County Commissioners shall immediately cause to be filed in the office of the County Auditor of such county, complete plans and specifications thereof, as above described, and thereafter, if such bridges, abutments, repairs or approaches be let by contract, bids in lump sum shall be procured on each bridge or piece of work separately, except that all material for use in constructing foundations or abutments shall be bid on per cubic yard for concrete, per foot board measure for lumber, per pound for steel, and per lineal foot for piling driven, said unit prices to be added to or deducted from the contract price, if more or less material is required in such foundation than specified in the plans and specifications. All bids shall be submitted in sealed envelopes and shall be opened by the County Commissioners in the office of the County Auditor at the county seat of each county, at the hour of two o'clock P. M. on the date advertised for receiving such bids.

"Contracts shall be awarded on each bridge, or piece of work, separately, to the lowest bidder and the County Commissioners shall have the right to reject any and all bids and advertise for new bids. It shall be the duty of the County Commissioner of such county to cause to be published in the official papers of such county, for a period of fifteen days immediately prior to the opening of sealed bids, a brief notice to the effect that at the time and place above specified they will open all sealed bids theretofore received for all bridge abutments and approaches or repairs to bridges required by such county during the ensuing month or longer. Each bid shall be made in accordance with the plans and specifications on file and shall be accompanied by a certified check, in the sum of ten per cent of the total amount of such bid. To be effectual for any purpose said bid and certified check shall be securely enclosed in a sealed envelope and deposited with the County Auditor of the proper county before the hour of opening the sealed bids."

Provided, that any county of this State may build its own bridges, abutments, approaches and foundations, and make repairs to same by day labor without advertising for bids on any such piece of work.

Section 33. Promptly at the hour specified, the Board of County Commissioners in open session shall proceed to examine all sealed bids and notify the successful bidder that his bid has been accepted, subject to the approval of the Highway Commission as hereinafter provided for. Upon being so notified, the successful bidder shall forthwith enter into a contract with such county in accordance with his bid, and such successful bid together with the plans and specifications upon which such bid was based shall be deemed a part of the contract. At the time of entering into said contract, the contractor shall execute to the county a satisfactory bond with sufficient surety, to be approved by the Board of County Commissioners, or a certified check in the total sum of the contract, conditioned that the contractor will fulfill his contract according to the plans and specifications and account for all moneys paid to him, and pay all bills and claims on account of labor or material furnished in and about the performance of said contract, including all demands of sub-contractors, and said bond or certified check shall stand as security for the faithful performance of said contract and for the payment of all such bills, claims and demands. Said contract and bond or certified check shall be filed in the office of the County Auditor. Should any bidder fail or refuse, for a period of ten days thereafter, to enter into such a contract, the Board of County Commissioners shall award the contract in the same manner to the next lowest responsible bidder and such delinquent bidder shall forfeit to the county the certified check accompanying his bid. Upon the execution of all contracts including the approving of the same by the Highway Commission if necessary, the Board of County Commissioners shall promptly cause to be returned to all bidders the certified check accompanying their sealed bid.

Before any contract for a bridge or piece of work, entered into by and between any successful bidder and the Board of County Commissioners, the total amount of which shall exceed the sum of two thousand dollars (\$2,000.00), shall be valid, it must first have the approval of the Highway Commission. If said commission finds upon examination of the contract that the contract price is too high, taking into account the material used and existing circumstances, it shall be the duty of said Highway Commission to inform the Board of County Commissioners of its reason for rejecting such contract and to advise a method of proceeding in the matter. In all cases where bids are rejected as being too high, the work may be let at private contract if so recommended and approved by the Highway Commission.

It shall be the duty of the States Attorney to draw all contracts let under the provisions of this Act, and to approve the execution thereof, together with the form and execution of all bonds and certified checks given as security for such contract.

Section 44. There shall be designated and adopted for the State of South Dakota a system of State trunk highways, and the Highway Commission shall as soon as practicable after the passage of this Act lay out a system of main traveled highways, interconnecting every county seat and connecting every city with a population of seven hundred fifty or more as determined by the State's census of 1915, which system of highways when laid out and approved by the Highway Commission, shall be known as the State Trunk Highway System, provided, however, the total mileage of all roads and streets included in the State Trunk Highway System shall not be more than six thousand miles. Prospective roads as

yet not public highways may be included in said system. Insofar as practicable this system of highways shall coincide with the highways as designated upon the "five-year plan" submitted to and now approved by federal government and highway commission, and with roads on prospective highway systems, but the Highway Commission shall have power to, in its discretion, select roads other than those on the said "five-year plan" or county highway systems if it shall deem that the public interest demands a change in routes along the whole or part of the distances between any two points and may remove from that system of highways designated upon the "five-year plan" or the County Highway Systems and duplicating roads. The State Trunk Highway Systems shall be laid out exclusive of every street and road in a place having a population of twenty-five hundred or more by the last State census except that portion of any street or road along which houses average more than two hundred feet apart.

Section 54. All moneys heretofore allotted or to be hereafter allotted to the State of South Dakota from the Federal Government as Federal Aid for roads, and all moneys levied and collected by the State of South Dakota by general State taxation for highway purposes, or received from the sale of bonds, or appropriated for highway purposes, shall be expended only in the laying out, marking construction or reconstruction of public highways forming the Trunk Highway System except such sums as are required for the maintenance of the Highway Commission as hereinbefore provided, provided, however, that after the portion of the trunk highway system in any county has been constructed, any further available State or Federal Aid funds allotted to such county may be expended upon the County Highway System in such county.

The State Highway Commission shall arrange, so far as practical, to distribute and use the State and Federal Aid highways funds in the several counties of the State in such manner that each county shall receive an amount equal to at least 75 per cent of the funds in the State highway funds on March 14, 1919, and the funds received into the State highway fund from appropriations, sale of bonds and Federal Aid, and in order to proceed with highway construction in a practical manner, the Highway Commission shall make an estimated allotment to the several counties of the State of the funds made available by appropriations, authorized bond issues and South Dakota's share of Federal Aid based on the assessed valuation of the respective counties as fixed and equalized by the Tax Commission for 1919. Any further appropriation or authorized bond issue to be allotted on basis of assessed valuation for the year preceding the legislative session authorizing such appropriation or bond issue. Such allotment or apportionment shall not be construed to mean that each county's allotment shall become a separate fund, but shall be used as a guide to indicate the amount of funds to be used in each county and may be taken out of either State or Federal Aid funds, or both, in the discretion of the Highway Commission.

The remaining twenty-five per cent of such funds shall be at the disposal of the State Highway Commission after deducting the necessary expenses of the maintenance of the Commission as hereinbefore provided.

Section 56. Each county shall acquire and pay for any lands or right-of-way necessary to be obtained in order to properly locate or widen the right of way of any section of the trunk highway to be improved. The county shall take title to such lands. In case the Board of County Commissioners refuse or neglect to secure the right-of-way for trunk highways, the State Highway Commission shall have the right to

secure right-of-way by such methods as are prescribed for Boards of County Commissioners.

Section 58. The Highway Commission may arrange to have the work done by day labor, or by convict labor, or by arrangement with the Board of County Commissioners, and may use the county forces and machinery, and the cost of the labor, materials, small tools, and rental of equipment required to properly perform the work shall be paid by the State Treasurer upon payrolls and vouchers or on estimates approved by the Highway Engineer. Boards of County Commissioners are authorized to bid for the county upon work in their respective counties or may enter into contract with the State, without submitting competitive bids at advertised lettings.

The State Highway Commission is authorized to purchase machinery, equipment, surplus war materials and may arrange with municipalities or contractors to use any machinery so obtained by the Highway Commission according to such rules, terms and regulations as may be adopted by the Highway Commission. Money received from rental or sale of machinery or other surplus war materials or for freight or other charges shall be deposited with the State Treasurer and credited to the State Highway funds.

Section 64. The State Treasurer shall make out and deliver on the first of each month to the Highway Commission, a statement of all funds for highway purposes paid into the State Treasury.

The Highway Commission shall keep a detailed set of books and accounts, showing the expenditures by it and coming under its charge and supervision, and the amounts available for construction and maintenance work in each of the several counties.

Any moneys heretofore received or to be hereafter received by the State Treasurer from the levy of one-tenth of one mill for Highway purposes not previously appropriated for the use of the Highway Commission, are hereby appropriated for the use of the Highway Commission and shall be placed in the State Highway Fund and be used for the maintenance of the Highway Commission, or for other purposes provided in this Act. Provided, that such funds not collected within two years of the date due may be converted into the general fund.

Section 68. That Section 8664 of the Revised Code of 1919, as amended by Section 68 of Chapter 333 of the Session Laws of 1919, be and the same is hereby amended to read as follows:

Section 8664. The County Motor Vehicle Fund shall be used by the Board of County Commissioners for planing, dragging and maintaining of State Trunk Highways and county highways outside the limits of cities and towns, and also for dragging graded secondary roads. Proper equipment for dragging and maintaining graded highways, such as drags, maintainers, planers and small tractors may be purchased from the said County Motor Vehicle Fund, but not to exceed 25 per cent of said funds collected for such year shall be used for the purchase of machinery. Other road machinery shall be paid for out of the county and road fund. Provided, however, that any part of such Motor Vehicle Funds not expended by any county for such purposes during the year for which such funds are collected shall be forfeited for use by said county and shall be forwarded to the State Treasurer and placed in the State Highway Fund. Such transfer shall be made previous to March 1st of each subsequent year unless an agreement has been entered into previous to said date between the county and State Highway Commission for the use of said funds in the construction and improvement of trunk highways in such county.

Section 2. Whereas, this Act is necessary for the support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act shall take effect on and after its passage and approval.

Approved July 3, 1920.

State Penitentiary

CHAPTER 90.

(S. B. 57.)

RELATING TO EMPLOYMENT OF CONVICTS.

AN ACT Entitled, An Act to Amend Section 5454 of the South Dakota Revised Code of 1919, Relating to the Employment of Convicts Outside the Penitentiary, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 5454 of the South Dakota Revised Code of 1919, is hereby amended to read as follows:

Section 5454. Outside Employment of Convicts.] If the warden shall at any time deem it for the interest of the State, he may employ the convicts outside the penitentiary yard in quarrying or getting stone from and cultivating the penitentiary farm, or in doing any work necessary to be done in the prosecution of the regular business of the institution; and in all such cases the warden shall detail such force from the penitentiary police as he shall deem necessary to watch and guard them; and in case any convict employed outside the penitentiary yard shall escape, he shall be deemed to have escaped from the penitentiary proper; provided, however, that the warden shall be held responsible for the escape of any prisoners through the carelessness or neglect of himself or any of his subordinates. Provided, further, that, upon the written recommendation of the Board of Charities and Corrections endorsed by the warden, the Governor may make an order in writing authorizing the employment, upon any work in which the State of South Dakota is engaged, or has an interest, at any place within the State, of one or more designated convicts whose record and conduct, in the opinion of the warden and of the Board, has been such as to warrant the belief that they can with safety be thus employed. The Governor and the Board of Charities and Corrections shall make such provisions for the guarding, control and maintenance of such convicts as may in their judgment be necessary or advisable. Any officer or person to whose care or custody any convict shall be committed under an order such as is hereinbefore provided for, shall make regular reports to the warden, at such times as the Board may require, as to the condition of health, the conduct and the general welfare of such convict and shall promptly return any such convict to the custody of the warden when ordered so to do.

Section 2. Emergency.] Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved July 3, 1920.

Unorganized Counties

CHAPTER 91.

(H. B. 39.)

COMPLETING THE ATTACHING OF WASHINGTON COUNTY TO PENNINGTON COUNTY.

AN ACT Entitled, An Act to Carry into Effect the Provisions of Chapter 354, Laws of 1919, and to Consummate the Severance of the Unorganized County of Washington from the County of Custer and Its Attachment to the County of Pennington; Providing for the Transfer and Transcribing of the Records Pertaining to Said Washington County, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. All claims of Custer County against the unorganized County of Washington having been paid in full to Custer County, including all taxes levied by the said Custer County in the purchase of books and supplies and the expenses of providing facilities for conducting and transacting the business of said Washington County, and all the requirements of Section 2 of Chapter 354, Laws of 1919, having heretofore been complied with, therefore the provisions of the last mentioned Chapter are hereby declared to be in full force and effect from and after the passage and approval of this Act; and the unorganized county of Washington is and shall henceforth be attached to the County of Pennington for all the purposes enumerated in said Chapter 354, Laws of 1919.

Section 2. Immediately after the passage and approval of this Act the County Commissioners of said Pennington County shall proceed to procure from the records in the county offices of Custer County all the books, records and files of the said several offices which relate exclusively to the affairs of the unorganized County of Washington and all such books, records and files pertaining to the affairs of Washington County as can be removed from Custer County without interfering with the administration of the affairs of the last mentioned county. Said transfer shall be affected as nearly as possible in the manner provided by Sections 5773, 5774 and 5775 of the Revised Code of 1919 pertaining to the transfer of such records in case of the division of the county. If any such books, records and files cannot properly be removed from the said Custer County, then the County Commissioners of Pennington County shall forthwith proceed to procure certified transcripts of such records as pertain to the affairs of Washington County. Such transcripts shall be made and certified as nearly as possible in the manner provided by Sections 5781 to 5785 inclusive, of the Revised Code of 1919. If said County Commissioners shall fail or neglect to arrange for such transfer and transcribing of records within thirty (30) days from the date of the passage and approval of this Act, it shall thereupon become the duty of the State Tax Commission to assume entire charge and direction of said matter and the Commission shall be authorized in that case to take any necessary steps and any such expense as shall in its judgment be deemed advisable for the purpose of completing the transfer and transcription of said records.

Section 3. The expense of transfer and transcribing the records pertaining to said Washington County as herein provided for shall be a

charge against said Washington County and the County Commissioners of Pennington County or the State Tax Commission, as the case may be, are hereby authorized to levy the necessary tax upon property of the said County of Washington for the purpose of paying for the transcribing and transfer of said records.

Section 4. The books, records and files transferred as hereinbefore provided shall include the 1919 assessors' books, listing blanks and schedules, and upon receipt of said books and blanks the 1919 taxes within and for Washington County shall be promptly extended; provided, that no penalty or interest shall be charged to the taxpayers of Washington County by reason of their failure to pay the taxes for the year 1919, which taxes have never been extended. Interest and penalty upon said 1919 taxes for Washington County shall become due and payable on and after the first day of November, 1920.

Section 5. Immediately upon the completion of the transfer or transcription of the records of said Washington County as hereinbefore provided, the Board of County Commissioners of Pennington County shall file a certificate to that effect with the County Auditor of said Pennington County as nearly as possible in conformity with the provisions of Section 5784 of the Revised Code of 1919, and shall cause to be filed a duplicate of such certificate with the County Auditor of Custer County, and until such certificates have been filed, any and all instruments or matters of record filed or recorded in the County of Custer and pertaining to property rights or interests in the unorganized County of Washington shall be deemed constructive notice to all purchasers or encumbrancers of the same.

Section 6. Whereas, this Act is necessary for the support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Approved July 3, 1920.

Vital Statistics

CHAPTER 92.

(H. B. 3.)

TRANSFERRING VITAL STATISTICS TO STATE BOARD OF HEALTH.

AN ACT Entitled, An Act to Provide for the Collection, Recording and Preservation of Vital Statistics Under the Supervision and Direction of the State Board of Health, and Prescribing the Powers and Duties of Said Board, and Amending Sections 9898, 9905, 9906, 9908 and 9909 of the South Dakota Revised Code of 1919, and Providing for the Use of the Records in the Office of the Director of Vital Statistics as Evidence in All Courts of This State, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. The State Board of Health shall have general charge and supervision of the registration of births and deaths, marriages, divorces and naturalizations, and may make and enforce any rules and regulations necessary for the carrying out of such registration, not incon-

sistent with the laws of this State. The Superintendent of the State Board of Health shall be designated and known as the Director of Vital Statistics, and shall be the administering officer of the State in connection therewith, charged with the enforcement of the provisions of law and the rules and regulations of the State Board of Health relating to the collection, recording and preservation of vital statistics. The Director of Vital Statistics may with the advice and approval of the State Board of Health appoint a deputy, and may employ such clerical assistance as may be necessary for the purposes of this Act.

Section 2. The Director of Vital Statistics shall have an office in the Capitol properly equipped with fire proof vaults and filing cases for the preservation and safe-keeping of the official records and papers pertaining thereto.

Section 3. That Section 9898 of the South Dakota Revised Code of 1919, be and the same is hereby amended to read as follows:

The State Board of Health shall prepare, provide and furnish suitable books and blank forms in which to make and keep the records of the births, deaths, marriages, divorces and naturalizations occurring in this State, as provided for by this Article, and to furnish them to the several officers and persons required to make reports and keep the same.

Section 4. That Section 9905 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

It shall be the duty of the Clerk of Courts of each county to receive such primary birth and death certificates and to at once enter the same in substantial books, provided by the State Board of Health for that purpose, showing a full and complete abstract of the information contained in each certificate, and he shall, on or before the fifteenth day of each month, transmit to the Director of Vital Statistics all such primary birth and death certificates, together with a record of the marriages performed in his county and of the decrees of divorce which may have been filed in his office, and also a report of all naturalizations of foreigners during the preceding calendar month.

Section 5. That Section 9906 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

It shall be the duty of the Director of Vital Statistics to receive such primary certificates of birth and deaths and the reports of marriages, divorces and naturalizations from the several Clerks of Courts, and to number, index and bind the same in substantial covers and carefully preserve the same, and shall biennially report to the Governor a complete summary, properly tabulated, of the information received. Such report shall be published as a part of the regular biennial report of the State Board of Health.

Section 6. That Section 9907 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

A physician or other person reporting any birth or death to the Clerk of Courts, as provided in this Article, shall be entitled to a fee of twenty-five cents for each burial or transportation permit issued by him; and the Clerk of Courts shall be entitled to a fee of twenty-five cents for each birth and death certificate received, entered and transmitted to the Director of Vital Statistics, a fee of ten cents for each abstract of marriage, divorce or naturalization records transmitted by him. All such fees to be paid out of the general fund of the county as hereinafter provided.

Section 7. That Section 9908 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

It shall be the duty of the Clerk of Courts to make a complete list from his records of all persons who have returned primary birth and death certificates and issued burial or transportation permits in his county during the previous year, and to certify the amount due each person, including his own fees, and having certified to the correctness of same he shall present it to the Board of County Commissioners at the first meeting after the thirty-first day of December each year, which amount shall be allowed by such board and a warrant for the amount due each of such persons shall be issued; Clerks of Courts shall be entitled to receive all fees provided by this Article for such officers in addition to their salaries as fixed by law.

Section 8. That Section 9909 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Any undertaker, sexton, keeper of a cemetery, justice of the peace, clerk of courts, or other person, who shall fail, neglect or refuse to perform his duty as required by this Article and by the rules and regulations made by the State Board of Health to carry out the provisions thereof, shall be deemed guilty of a misdemeanor.

Section 9. The Director of Vital Statistics shall furnish any applicant therefor a certified copy of the record of any certificate of birth or death, or abstract of marriage, divorce or naturalization recorded under the provisions of this Act, upon the payment of a fee of one dollar for the making and certification of each certificate or abstract, to be paid by the applicant. Such copy of the record in the office of the Director of Vital Statistics, when certified by the Director of Vital Statistics to be a true transcript therefrom, shall be prima facie evidence of the facts therein stated in all courts in this State.

Section 10. The Director of Vital Statistics shall preserve all records and files of vital statistics as heretofore collected and compiled, and shall have the custody thereof.

Section 11. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 12. Whereas, there is an immediate necessity for a complete and proper registration of births and deaths for legal, sanitary and statistical purposes, and for the preservation of public health, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved June 30, 1920.

INDEX

ABERDEEN DAILY NEWS—

Appropriation	13
---------------------	----

ACTIONS—

See Limitation.

ACTS LEGALIZED—

Beadle County Court House Bonds.....	11
Consolidated School Districts.....	48
Hayti Consolidated School District.....	11
Lemmon Bond Issue	12
See also Curative Acts.	

AGRICULTURAL STATISTICS—

Appropriation for Blanks.....	19
-------------------------------	----

AGRICULTURE SUPERVISION FUND—

Appropriation, Spink County Agent.....	18
--	----

AMENDMENTS AND REPEALS (Specific)—

Constitution—

See Constitutional Amendments.

Laws, 1918, Special Session—

Chapter 55, Section 5.....	67
----------------------------	----

Laws, 1919—

Chapter 15	15
Chapter 113, Section 10.....	30
Chapter 140, Section 1.....	36
Chapter 161	43
Chapter 170	48
Chapter 183	53
Chapter 201	58
Chapter 234	60
Chapter 243	61
Chapter 244, Sections 1, 18, 23, 34.....	62
Chapter 262, Section 4.....	67
Chapter 290	88
Chapter 310, Sections 1, 2, 5.....	90
Chapter 333, Sections 5, 15, 32, 33, 44, 54, 56, 58, 64, 68.....	98

Revised Code, 1919—

Section	Page	Section	Page
3189	57	8464	44
3378	58	8471	46
3417	58	8472	46
3427	57	8473	47
3472	56	8664	102
4406	31	8849	36
5173	43	9014	32
5188	42	9112	60
5189	42	9115	61
5190	42	9121	61
5191	42	9315	64
5209	73	9387	62
5217	37	9493	87
5454	103	9590	88
5883	41	9591	88
6026	37	9592	89
6170, Sub. 17.....	71	9593	89
6272	70	9594	89
6416	69	9595	90
6420	70	9596	90
6749, Sub. 6.....	29	9898	106
7423	52	9905	106
7485	53	9906	106
7546	50	9907	106
7550	52	9908	106
7551	52	9909	107
7567	51	9963	94
7569	48	10127	90
7577	49	10130	91
7602	50	10142	92
8048	97	10146	93
8183	96	10149	93
8184	96		

APPROPRIATIONS—	Page
Aberdeen Daily News.....	13
Deficiency, Circuit Judges.....	14
Drainage Assessments, State Lands.....	14
Forest Reserve Fund.....	15
General Appropriation Act, 1919, Amended.....	15
Hall, E. W., County Agent.....	18
Hipple Printing Co.....	19
Hipple Printing Co., Agricultural Statistics Blanks.....	19
Legislative Expenses, Special Session, 1920.....	20
Relief of Soldiers and Sailors.....	24
Secretary of State's Office.....	23
School Aid, Stanley County.....	21
Deficiency, School for Blind.....	22
Deficiency, School and Home for Feeble Minded.....	22
Deficiency, Soldiers' Home.....	23
Deficiency, Spearfish Normal.....	25
Deficiency, Spearfish Normal.....	25
State Budget Board.....	26
Power Plant, State Capitol.....	26
State College, Paving Assessments.....	27
State Highway Fund.....	25
Acquiring Sylvan Lake.....	28
Will A. Beach Printing Co.....	28
State Liability, Workmen's Compensation.....	27
Yankton State Hospital.....	29
ASSESSMENT AND TAXATION—	
County Bridge Levy.....	29
Levy, Independent School Districts.....	51
Real Estate Mortgages.....	30
Register of Deeds, Duties.....	30
Life, Health and Accident Companies.....	64
ASSIGNMENTS—	
Of Mortgages, Cured.....	68
ATTORNEY GENERAL—	
Advice to Insurance Department.....	61
Appropriation.....	16
Member Securities Commission.....	91
ATTORNEYS AND COUNSELORS AT LAW—	
Practice by County Judges and Clerks of Court.....	31
AUTOMOBILES—	
Used by State, Control of.....	25
BANKS AND BANKING—	
Collection Fee on Checks, etc.....	31
Checks, etc., Payment in Exchange.....	32
Interest on Deposits.....	32
See Also Department of Banking and Finance.	
BEADLE COUNTY—	
Court House Bonds Legalized.....	11
BONDS (Negotiable)—	
Drainage.....	44
Municipal, Interest.....	69
Municipal, Refunding.....	70
BRIDGES—	
County Tax Levy.....	29
Emergency.....	33
See Also State Highway Commission.	
BUDGET—	
See State Budget Board.	
BURIAL—	
Soldiers and Sailors.....	24
CAPITOL COMMISSION—	
See State Capitol Commission.	

CHECKS—	Page
See Negotiable Instruments.	
CIRCUIT JUDGES—	
Appropriation	14
CITY TREASURER—	
Duty, Sale of Real Estate.....	71
CLERK OF COURTS—	
Duty, Vital Statistics.....	106
Practice as Attorney	31
COMMISSIONER OF HAIL INSURANCE—	
Duties	61
COMMISSIONER OF IMMIGRATION—	
Appropriation	17
Head of Employment Service Department.....	54
COMMISSIONER OF INSURANCE—	
Appointment, Salary	61
Assistants	61
Ex-Officio Fire Marshal.....	61
Premiums, Workmen's Insurance.....	65
Surety Companies, Deposit of Securities.....	62
COMMISSIONER OF SCHOOL AND PUBLIC LANDS—	
Appropriation	16
CONSOLIDATED SCHOOL DISTRICTS—	
Legalized	48
Sites	49
CONSTABLE—	
County	37
CONSTITUTIONAL AMENDMENTS—	
Proposing Amendment to Section 4, Article XIII.....	34
Proposing New Section 17, to Article XIII.....	35
Proposing New Section 18, to Article XIII.....	35
Federal Equal Suffrage Amendment Ratified.....	6
CONVICTS—	
Employment of	103
CO-OPERATIVE ASSOCIATIONS—	
Division of Profits.....	36
CORPORATIONS—	
Co-Operative Associations	36
Investment, Securities Commission.....	91
Preferred Stock	92
COUNTIES—	
Bridge Levy	29
County Constable'	37
County Justice of the Peace.....	37
Fall River County, Transfer of Funds.....	38
Public Parks	38
Aid to Soldiers' and Sailors' Memorial.....	40
See Unorganized Counties.	
COUNTY AUDITOR—	
Duties, Drainage Law.....	45
Duty as to Taxes Under Moratorium.....	68
Duty as to Public Parks.....	39
COUNTY BUILDINGS—	
Provision for	41
COUNTY COMMISSIONERS—	
County Buildings	41
Duties, State Highway Commission Act.....	98
Emergency Bridges	33

	Page
Districts, Where No Civil Townships.....	37
Duties, Drainage Law	44
May Provide Employment Agents.....	54
Duty as to Taxes Under Moratorium.....	68
Powers as to Public Parks.....	39
COUNTY HIGHWAY SUPERINTENDENT—	
Office Created	98
COUNTY JUDGE—	
Practice as Attorney.....	31
COUNTY MOTOR VEHICLE FUND—	
Use of	102
COUNTY SUPERINTENDENT—	
Duties, Transportation of Pupils.....	53
Supervision of Schools.....	52
COUNTY TREASURER—	
Duties, Drainage Law.....	44
COURTS—	
Shorthand Reporters	42
Terms, Fourth Circuit.....	43
CURATIVE ACTS—	
See Also Acts Legalized.	
Defective Assignments and Discharges.....	68
Guardians' Sales	59
Probate Decrees and Notices.....	57
CUSTER COUNTY—	
Washington County Severed From.....	104
CUSTER STATE PARK—	
Appropriation, Sylvan Lake.....	28
DEPARTMENT OF BANKING AND FINANCE—	
Appropriation	16
DEPARTMENT OF HISTORY—	
Appropriation	17
Consolidation of Funds.....	43
DEPARTMENT OF MARKETS—	
Deficiency Appropriation	13
DIRECTOR OF VITAL STATISTICS—	
Powers and Duties.....	106
DISCHARGES—	
Of Mortgages, Cured	68
DRAINAGE—	
Assessment	44
Assessments Paid in Installments.....	46
Drainage Bonds	46
Agreement for Combined Drainage.....	47
Assessment State Lands, Appropriation.....	14
EDUCATION—	
Aid to Common Schools.....	21
Consolidated School Districts.....	48
Consolidated School Districts—	
Sites	49
County Supervision	52
Teachers' Certificates	52
Teachers' Contracts Void.....	52
Independent School Districts—	
Powers	50
Tax Levy	51
Treasurer	51
Proposed Constitutional Amendment on Debt Limit for School Purposes.....	34
Transportation of Pupils.....	53

ELECTIONS—	Page
Initiated Party Primary Law.....	75
EMPLOYMENT SERVICE DEPARTMENT—	
Created	54
Duties of Agents.....	55
Report by Agents.....	55
Aid to Employees	55
Notices of Strikes and Lockouts.....	55
Advertising	55
No Fees	56
Penalty for Receiving Fees.....	56
Bulletins	56
Registration of Applicants.....	56
EQUAL SUFFRAGE—	
Federal Amendment Ratified	6
ESTATES OF DECEDENTS—	
Decrees Validated	58
Notices Legalized	58
Petition for Distribution.....	56
Probate Notices	56
Sale of Property	57
EXCHANGE—	
Payment in by Banks.....	32
Fee on Checks, etc.	31
EXECUTIVE ACCOUNTANT—	
Appropriation	16
EXECUTORS AND ADMINISTRATORS—	
Settlement of Final Account.....	58
FALL RIVER COUNTY—	
Appropriation, Forest Reserve Fund.....	15
Transfer of Funds.....	38
FEES—	
Shorthand Reporters	42
FELONY—	
Interest on Bank Deposits.....	32
Violation, Real Estate Mortgage Tax Act.....	30
FOOD AND DRUG DEPARTMENT—	
Appropriation	16
FOREST RESERVE—	
Funds Distributed	97
FOREST RESERVE FUNDS—	
Appropriation, Fall River County.....	15
FUNDS—	
See State Funds.	
Transfer, Fall River County.....	38
GOVERNOR—	
Appoints Commissioner of Insurance.....	61
Approves Assistants, Insurance Department.....	61
Appoints One Member Securities Commission.....	91
Appoints State Engineer.....	96
Home for	94
Order for Employment of Convicts.....	103
GUARDIANS—	
Sales Validated	59
HAIL INSURANCE—	
State Department Created.....	63
Adjusters	63
Payment of Losses.....	64
Correction of Errors.....	64

	Page
HALL, E. W.—	
Appropriation	18
HAYTI CONSOLIDATED SCHOOL DISTRICT—	
Legalized.....	11
HEATING ENGINEER—	
Appointed	96
HIGHWAYS—	
See State Highway Commission.	
HIPPLE PRINTING CO.—	
Appropriation for Blanks.....	19
Appropriation for Notices.....	19
HISTORICAL DEPARTMENT—	
See Department of History.	
HOME BUILDING CREDITS SYSTEM—	
Proposed Constitutional Amendment.....	35
HOME FOR FEEBLE MINDED—	
See State School and Home for.	
IMMIGRATION—	
See Commissioner of.	
INDEPENDENT SCHOOL DISTRICTS—	
Powers	50
Tax Levy	51
Teachers' Certificates	52
Teachers' Contracts Void	52
Treasurer	51
INDUSTRIAL COMMISSIONER—	
Appropriation	18
Conciliates Labor Disputes	60
INSANE—	
See Yankton State Hospital.	
INSURANCE—	
Commissioner, Office	60
Life, Health and Accident, Taxes.....	64
State Hail Insurance.....	62
Surety Companies, Deposit of Securities.....	62
Workmen's Compensation Insurance.....	65
JUSTICE OF THE PEACE—	
County	37
LABOR CONTROVERSIES—	
Conciliation	60
LEGISLATIVE EXPENSES—	
Appropriation, Special Session, 1920.....	20
LEMMON, CITY OF—	
Bond Issue Legalized.....	12
LIBRARY COMMISSION—	
See State Library Commission.	
LIMITATION OF ACTIONS—	
On Contract to Sell Real Property.....	66
For Cancellation of Such Contract.....	66
LIVE STOCK SANITARY BOARD—	
See State Live Stock Sanitary Board.	
MADISON NORMAL—	
Appropriation	17
MARINES—	
See Soldiers.	
Laws—8.	

	Page
MARKETING DEPARTMENT—	
See Department of Markets.	
MEMORIAL—	
See Soldiers.	
MISDEMEANOR—	
Accepting Fees, Employment Service.....	56
Protesting Certain Checks, etc.....	32
Violation, Securities Commission Act.....	93
Violation, Vital Statistics Law.....	107
MORATORIUM—	
Taxes During War Service.....	67
MORTGAGES—	
Defective Assignments, etc., Cured.....	68
Real Estate, Taxation of.....	30
MOTOR VEHICLE FUND—	
Use of	98
MULLEN AND ROURKE—	
Appropriation	25
MUNICIPAL CORPORATIONS—	
Municipal Bonds, Interest	69
Agreement for Combined Drainage.....	47
Powers	71
Qualification of Officers.....	70
Refunding Bonds	70
Sale of Real Estate.....	71
Authorized	71
Offer for Sale	72
Procedure	72
Acceptance of Bid.....	72
Approval of Sale.....	72
Disapproval of Sale.....	72
Postponement	72
Use of Proceeds	72
Sewerage	73
MUNICIPAL COURTS—	
Salary of Judge.....	73
Salary of Judge.....	74
NEGOTIABLE INSTRUMENTS—	
Collection Fee by Payor Bank.....	31
Payment of in Exchange.....	32
Protest Prohibited, When.....	32
Sold in Violation Securities Commission Act.....	93
NORTHERN NORMAL AND INDUSTRIAL SCHOOL—	
Appropriation	17
NOTICES—	
Probate	57
Probate, Petition to Sell Property.....	57
Probate, Settlement of Account.....	58
PARKS—	
Counties Authorized to Acquire.....	38
PARTY PRIMARIES—	
Initiated Measure	76
PEDDLERS—	
Purchases by Co-Operative Associations.....	71
PENNINGTON COUNTY—	
Washington County Attached to.....	104
PRIMARY ELECTIONS—	
Initiated Measures	76

PROTEST—	Page
Of Certain Checks, etc., Prohibited.....	<u>32</u>
PUBLIC INDEBTEDNESS—	
Limit for School Purposes.....	<u>34</u>
For Home Building Credits System.....	<u>35</u>
For Soldiers' Bonus	<u>35</u>
PUBLIC OFFICERS—	
Salaries, 1920-21	<u>86</u>
PUBLIC LANDS—	
Appropriation, Drainage Assessment.....	<u>14</u>
RAILROAD COMMISSION—	
Appropriation	<u>16</u>
Election of Commissioners.....	<u>87</u>
Rehearings	<u>88</u>
Review by Certiorari.....	<u>88</u>
Return to Writ.....	<u>89</u>
Extent of Review.....	<u>89</u>
Order Absolute	<u>89</u>
Review Only by Certiorari.....	<u>90</u>
Mandamus	<u>90</u>
REAL PROPERTY—	
Limitation of Actions.....	<u>66</u>
Procedure for Cancelling Contract.....	<u>66</u>
Existing Contracts, Limitation.....	<u>67</u>
REGISTER OF DEEDS—	
Duty, Cancellation Real Property Contracts.....	<u>67</u>
Duty, Real Estate Mortgage Taxes.....	<u>30</u>
RURAL CREDIT COMMISSIONER—	
Member Securities Commission.....	<u>91</u>
SAILORS—	
See Soldiers.	
SCHOOL FOR BLIND—	
See State School for Blind.	
SCHOOL FOR FEEBLE MINDED—	
See State School for Feeble Minded.	
SCHOOL OF MINES—	
Appropriation	<u>17</u>
SCHOOLS—	
See Education.	
SECRETARY OF STATE—	
Appropriation, General	<u>16</u>
Appropriation	<u>23</u>
SECURITIES COMMISSION—	
Membership, Powers, Salaries, Meetings.....	<u>90</u>
Executive Officer, Reports.....	<u>91</u>
Companies to File Statements, Fees.....	<u>91</u>
Records Public	<u>92</u>
Unlawful Contracts	<u>93</u>
Violation, Penalties	<u>93</u>
SEWERAGE—	
Service Connections, Assessment.....	<u>73</u>
SHORTHAND REPORTERS—	
Fees	<u>42</u>
SOLDIERS' BONUS—	
Constitutional Amendment Proposed.....	<u>35</u>
SOLDIERS' HOME—	
Appropriation	<u>17</u>
Deficiency Appropriation	<u>23</u>

SOLDIERS AND SAILORS—	Page
Disabled, Relief	24
Expense of Burial	24
SOLDIERS' AND SAILORS' MEMORIAL—	
County Aid	40
SPEARFISH NORMAL—	
Appropriation	17
Deficiency Appropriation	25
Deficiency Appropriation	25
SPRINGFIELD NORMAL—	
Appropriation	17
STANLEY COUNTY—	
School Aid	21
STATE'S ATTORNEY—	
Duty as to Public Parks	40
Duties, State Highway Commission Act	100
STATE AUDITOR—	
Appropriation	16
Duties, State Highway Commission Act	28
STATE BOARD OF CHARITIES AND CORRECTIONS—	
Regulate Employment of Convicts	103
STATE BOARD OF FINANCE—	
Temporary Transfer, State Funds	27
STATE BOARD OF HEALTH—	
Appropriation	16
Deficiency Appropriation	19
In Charge of Vital Statistics	105
Superintendent, Director of Statistics	106
STATE BUDGET BOARD—	
Appropriation	26
STATE CAPITOL—	
Appropriation for Power Plant	26
STATE CAPITOL COMMISSION—	
Home for Governor	24
Control of State Used Automobiles	25
STATE COLLEGE OF AGRICULTURE AND MECHANIC ARTS—	
Appropriation	17
Appropriation, Paving Assessment	27
STATE EMPLOYMENT SERVICE DEPARTMENT—	
See Employment.	
STATE ENGINEER—	
Appropriation	17
Appointment, Qualifications, Powers, Salary	26
Deputy State Engineer	26
Heating Engineer	26
Assistants	26
STATE FUNDS—	
Department of History Consolidated	43
Forest Reserve Funds	27
Temporary Transfer	27
STATE HAIL INSURANCE—	
See Hail Insurance.	
STATE HIGHWAY COMMISSION—	
Approve Emergency Bridges	33
Salary and Expenses	28
County Highway Department	28
Bridge Letting	29
Bridge Contract	29

	Page
Trunk System	<u>100</u>
State and Federal Funds.....	101
Right of Way.....	101
Day Labor	102
Monthly Statement, State Treasurer.....	102
County Motor Vehicle Fund.....	<u>102</u>
STATE LIBRARY COMMISSION—	
Appropriation	18
STATE LIVE STOCK SANITARY BOARD—	
Appropriation	18
STATE MINE INSPECTOR—	
Appropriation	17
STATE PENITENTIARY—	
Employment of Convicts	103
STATE SCHOOL FOR BLIND—	
Deficiency Appropriation	22
STATE SCHOOL AND HOME FOR FEEBLE MINDED—	
Appropriation	18
Deficiency Appropriation	22
STATE TREASURER—	
Appropriation	16
Duties, State Highway Commission Act.....	<u>102</u>
STRIKES AND LOCKOUTS—	
Conciliation	60
Statement Filed at Employment Office.....	55
SUFFRAGE—	
Federal Amendment Ratified.....	5
SUPERINTENDENT OF BANKS—	
Member Securities Commission.....	21
SUPERINTENDENT OF PUBLIC INSTRUCTION—	
Appropriation	17
Appropriation, Will A. Beach Printing Co.....	28
SUPREME COURT—	
Appropriation	17
Certiorari to Railroad Commission.....	88
Return to Writ, Briefs.....	89
Extent of Review	89
SURETY COMPANIES—	
Deposit of Securities	62
SYLVAN LAKE—	
Appropriation for	28
TAXATION—	
See Assessment and Taxation.	
TAX COMMISSION—	
Appropriation	16
Duties, State Highway Commission Act.....	<u>101</u>
TERMS OF COURT—	
Fourth Circuit	43
TOWNSHIPS—	
Agreement for Combined Drainage.....	47
UNIVERSITY OF SOUTH DAKOTA—	
Appropriation	17
UNORGANIZED COUNTIES—	
Washington Attached to Pennington.....	<u>104</u>

	Page
VITAL STATISTICS—	
In Charge Board of Health.....	<u>105</u>
Office	<u>106</u>
Records	<u>106</u>
Clerk of Courts.....	<u>106</u>
Director, Duty	<u>106</u>
Fees	<u>106</u>
Annual Report of Clerk.....	<u>107</u>
Neglect of Duty, Penalty.....	<u>107</u>
Certified Copies	<u>107</u>
Custody of Records	<u>107</u>
VOTERS—	
Federal Suffrage Amendment Ratified.....	<u>6</u>
WAR—	
Soldiers' Bonus	<u>35</u>
WASHINGTON COUNTY—	
Attached to Pennington.....	<u>104</u>
WILL A. BEACH PRINTING CO.—	
Appropriation	<u>28</u>
WILLIAMS PIANO CO.—	
Appropriation	<u>25</u>
WOMEN—	
Federal Suffrage Amendment Ratified.....	<u>6</u>
WOMEN'S COMMITTEE OF INVESTIGATION—	
Appropriation	<u>18</u>
WORKMEN'S COMPENSATION LAW—	
Appropriation, State Liability.....	<u>27</u>
YANKTON STATE HOSPITAL—	
Appropriation	<u>29</u>

THE LAWS
PASSED AT THE
Seventeenth Session
OF THE
Legislature
OF THE
STATE OF SOUTH DAKOTA

Begun and held at Pierre, the Capital of said State, on Tuesday,
the Fourth day of January, 1921, and concluded
on March 4, 1921.

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AUTHENTICATION

STATE OF SOUTH DAKOTA, }
Department of State. } ss.

I, C. A. Burkhart, Secretary of State, of the State of South Dakota, do hereby certify that the Laws contained in this volume are true and correct copies of the original enrolled Bills and Joint Resolutions passed by the Legislature of this State at the Seventeenth Session thereof, begun and held at Pierre, the Capital of said State, on Tuesday, the fourth day of January, 1921, and concluded on March 4th, 1921, as approved by the Governor, or which became law by virtue of the limitation of Section 9, Article 4, of the Constitution of this State, and now on file in this office.

In Witness Whereof, I have hereunto set my hand and affixed the great seal of the State of South Dakota, at Pierre, this 15th day of March, A. D., 1921.

(SEAL)

C. A. BURKHART,
Secretary of State.

TABLE OF CONTENTS

Chapter No.	ABDUCTION:
1.....	Senate Bill No. 337, Relating to Abduction of Female Minors.
	ACKNOWLEDGMENTS:
2.....	Senate Bill No. 13, Relating to Form of Acknowledgments by Corporations.
	ACTS LEGALIZED:
3.....	House Bill No. 110, Legalizing Barnard Consolidated School District Bond Issue.
4.....	Senate Bill No. 53, Legalizing Brookings Bond Election and Bond Issue.
5.....	House Bill No. 201, Legalizing Orders of County Court.
6.....	Senate Bill No. 300, Legalizing Custer County Bond Issue.
7.....	House Bill No. 95, Legalizing Bonds, Independent District of Delmont.
8.....	Senate Bill No. 252, Legalizing Ft. Pierre Bond Issue.
9.....	House Bill No. 275, Relating to Defective Guardianship Proceedings.
10.....	House Bill No. 40, Legalizing Acts of Harrold Consolidated School District.
11.....	House Bill No. 321, Legalizing Hart Table Consolidated School Independent Bond Issue.
12.....	Senate Bill No. 239, Legalizing Hudson Bond Issue.
13.....	Senate Bill No. 8, Legalizing Huron School Bond Election.
14.....	House Bill No. 353, Legalizing Menno Refunding Bonds.
15.....	House Bill No. 27, Legalizing Murdo Bond Issue.
16.....	House Bill No. 33, Legalizing Onida Bond Issue.
17.....	House Bill No. 347, Legalizing City Manager Elections and Proceedings in Rapid City.
18.....	House Bill No. 90, Legalizing Recorded Instruments Affecting Real Property.
19.....	Senate Bill No. 133, Legalizing Tolstoy Bond Issue.
20.....	Senate Bill No. 45, Legalizing Tyndall Bond Elections.
	APPROPRIATIONS:
21.....	Senate Bill No. 340, General Appropriation Bill.
22.....	Senate Bill No. 258, For M. A. Adams, et al.
23.....	Senate Bill No. 259, Agricultural Extension, Etc.
24.....	Senate Bill No. 277, Assessment, Armstrong County.
25.....	House Bill No. 173, Assessment, Shannon County.
26.....	Senate Bill No. 344, Attorney General's Office.
27.....	Senate Bill No. 261, State Departments Outside of the Capitol.
28.....	Senate Bill No. 308, State Capitol Grounds.
29.....	Senate Bill No. 289, Child Welfare Commission.
30.....	Senate Bill No. 279, Civilian Rehabilitation.
31.....	House Bill No. 157, Relief of Civil War Veterans, their Wives and Widows.
32.....	House Bill No. 152, Coal Mining Commission.
33.....	Senate Bill No. 345, Coal Mining Commission.
34.....	Senate Bill No. 170, Consolidating and Re-Appropriating Certain Funds.
35.....	Senate Bill No. 288, Lands, Custer State Park.
36.....	Senate Bill No. 278, Custer State Park.
37.....	House Bill No. 360, Department of Agriculture.
38.....	House Bill No. 158, Department of Marketing.

Chapter No.	APPROPRIATIONS—Continued:
39.....	Senate Bill No. 341, Department of Marketing.
40.....	Senate Bill No. 293, Efficiency Survey of State Institutions and Departments.
41.....	House Bill No. 234, Deficiency, Food and Drug Department.
42.....	House Bill No. 311, Deficiency, Food and Drug Department.
43.....	House Bill No. 356, Great Lakes-St. Lawrence, Tidewater Association.
44.....	House Bill No. 113, Legislative Expense, Special Session 1920.
45.....	House Bill No. 334, Deficiency, 1920 Special Session of Legislature.
46.....	House Bill No. 42, Legislative Expenses, 1921.
47.....	Senate Bill No. 346, Extra Legislative Expense, 1921 Session.
48.....	Senate Bill No. 264, Legislative Printing, Binding, Etc.
49.....	House Bill No. 172, Legislative Portraits.
50.....	House Bill No. 231, Expense of Members of Legislature.
51.....	House Bill No. 214, Repairs, Madison Normal.
52.....	Senate Bill No. 196, Distribution of Motor Vehicle Fund.
53.....	House Bill No. 151, Claim of Albert Nieuwenhuis.
54.....	House Bill No. 189, Deficiency, Northern Normal School.
55.....	Senate Bill No. 187, Transportation of Convicts to Penitentiary.
56.....	Senate Bill No. 188, Transportation of Convict to Penitentiary.
57.....	Senate Bill No. 228, Conveyance of Convicts to Penitentiary.
58.....	Senate Bill No. 184, Portrait, Ex-Governor Byrne.
59.....	Senate Bill No. 263, Presidential Electors.
60.....	House Bill No. 148, Deficiency, Richards Primary Law.
61.....	Senate Bill No. 336, Operation, Richards Primary Law.
62.....	House Bill No. 271, Rural School Building Plans.
63.....	House Bill No. 191, School and Public Lands.
64.....	Senate Bill No. 180, Advertising, Commissioner of School and Public Lands.
65.....	Senate Bill No. 257, Drainage, School Lands.
66.....	House Bill No. 370, Deficiency, Commissioner of School and Public Lands.
67.....	Senate Bill No. 74, Aid of Common Schools.
68.....	House Bill No. 129, Authorizing Payment out of Fund Appropriated by Chapter 49, Laws of 1919.
69.....	House Bill No. 213, Deficiency, School for the Blind.
70.....	House Bill No. 235, Repairs, State School for Blind.
71.....	Senate Bill No. 206, Improvements, School and Home for Feeble Minded.
72.....	Senate Bill No. 226, State School and Home for Feeble Minded.
73.....	Senate Bill No. 204, Deficiency, State School and Home for Feeble Minded.
74.....	Senate Bill No. 202, Building, School of Mines.
75.....	Senate Bill No. 205, Land, School of Mines.
76.....	Senate Bill No. 201, Heating Plant, School of Mines.
77.....	House Bill No. 175, Deficiency, State School of Mines.
78.....	Senate Bill No. 280, Burial of Soldiers and Sailors.
79.....	House Bill No. 212, Deficiency, Soldiers' Home.
80.....	House Bill No. 232, Deficiency, Soldiers' Home.
81.....	House Bill No. 233, Deficiency, Soldiers' Home.
82.....	Senate Bill No. 208, Deficiency, Springfield Normal School.
83.....	House Bill No. 324, State Board of Pharmacy.
84.....	House Bill No. 176, Deficiency, State Board of Health.

Chapter No.	APPROPRIATIONS—Continued:
85.....	Senate Bill No. 209, State Budget Board.
86.....	Senate Bill No. 224, State Budget Board.
87.....	House Bill No. 225, State Budget Board.
88.....	Senate Bill No. 66, Building, State College.
89.....	Senate Bill No. 189, State College of Agriculture, Etc.
90.....	Senate Bill No. 343, State College of Agriculture, Etc.
91.....	House Bill No. 174, Deficiency, State College of Agriculture, Etc.
92.....	House Bill No. 312, Heating Plant, State College.
93.....	House Bill No. 326, State College of Agriculture, Etc.
94.....	Senate Bill No. 237, Supplies, State Council of Defense.
95.....	House Bill No. 236, State Fair.
96.....	Senate Bill No. 227, State Firemen's Association.
97.....	House Bill No. 346, State Highway Department.
98.....	House Bill No. 361, State Home Building Department.
99.....	House Bill No. 309, Deficiency, State Live Stock Sanitary Board.
100.....	House Bill No. 310, Deficiency, State Live Stock Sanitary Board.
101.....	Senate Bill No. 158, State Nurses Examining Board.
102.....	House Bill No. 325, Deficiency, State Penitentiary.
103.....	Senate Bill No. 203, Improvements, State Sanitarium.
104.....	Senate Bill No. 225, Building, State Sanitarium.
105.....	Senate Bill No. 207, Improvements, State Training School.
106.....	Senate Bill No. 262, Deficiency, State Treasurer.
107.....	Senate Bill No. 306, State Treasurer, Expense of Sale of State Warrants.
108.....	Senate Bill No. 185, Premium, State Treasurer's Bond.
109.....	House Bill No. 333, Deputy Superintendent of Banks.
110.....	Senate Bill No. 331, Supplies, Tax Commission.
111.....	Senate Bill No. 190, Payment of Certain Taxes.
112.....	Senate Bill No. 334, University of South Dakota.
113.....	House Bill No. 24, Special Assessments, University of South Dakota.
114.....	Senate Bill No. 186, Tuition of War Veterans.
115.....	Senate Bill No. 65, Stone in Washington Monument.
116.....	House Bill No. 149, Deficiency, Wolf Bounties.
117.....	House Bill No. 215, Liability Under Workmen's Compensation Law.
118.....	House Bill No. 210, Yankton State Hospital.
119.....	House Bill No. 211, Improvements, Yankton State Hospital.
120.....	House Bill No. 308, Yankton State Hospital.
121.....	Senate Bill No. 292, Relating to Yankton State Hospital.
122.....	House Bill No. 237, Transporting Patients to Yankton State Hospital.
	ARTESIAN WELLS:
123.....	Senate Bill No. 241, Relating to Location of Township Wells.
	ASSESSMENT AND TAXATION:
124.....	House Bill No. 132, Relating to Place of Assessment of Road Corporations.
125.....	Senate Bill No. 140, Relating to Compensation of Assessors.
126.....	Senate Bill No. 314, Relating to Correction of Errors and Omissions.
127.....	Senate Bill No. 348, Making State Highway Board Exempt from Taxation.
128.....	House Bill No. 327, Relating to State Bridge Tax.
129.....	House Bill No. 128, Relating to Tax Sale Notice.

Chapter No.	ASSESSMENT AND TAXATION—Continued:
130.....	House Bill No. 21, Relating to the Time for Procuring Tax Deeds.
131.....	Senate Bill No. 151, Relating to Assessment in Unorganized Counties.
	BANKS AND BANKING:
132.....	House Bill No. 365, Submitting to a Vote of the People, Initiated Measure Declaring the Purpose of the State to Engage in the Banking Business Under the Name of the Bank of South Dakota.
133.....	House Bill No. 229, Relating to Entering a Bank With Intent to Commit a Felony.
134.....	House Bill No. 335, Relating to Depositors' Guaranty Fund.
135.....	House Bill No. 32, Relating to Superintendent of Banks.
136.....	House Bill No. 229, Relating to Powers of Superintendent of Banks, and of the Guaranty Fund Commission.
	BASTARDY:
137.....	Senate Bill No. 212, Relating to Bastardy Proceedings.
	BOARD OF REGENTS:
138.....	House Bill No. 340, Relating to Officers, Instructors and Employees of Educational Institutions.
	CARRIERS:
139.....	House Bill No. 224, Defining Common Carriers.
	CENTRAL HEATING ASSOCIATIONS:
140.....	Senate Bill No. 150, Relating to Contracts With Such Associations.
	CHILDREN:
141.....	House Bill No. 244, Relating to Dependent, Neglected or Delinquent Children.
	CHILD WELFARE COMMISSION.
142.....	Senate Bill No. 146, Relating to County Child Welfare Boards.
	CHIROPRACTORS:
143.....	House Bill No. 68, Relating to Chiropractors.
	CITIZENSHIP DAY:
144.....	House Bill No. 3, Relating to Citizenship Day.
	COMMUNITY CENTERS:
145.....	Senate Bill No. 270, Relating to Community Centers.
	CONSTITUTIONAL AMENDMENTS:
146.....	H. J. R. No. 1, Relating to the Initiative and Referendum.
147.....	S. J. R. No. 1, Relating to Counties.
148.....	S. J. R. No. 7, Proposing Amendment to Constitution, Article XI, Section 10.
149.....	S. J. R. No. 11, Proposing Amendment to Constitution, Article XXI, Section 2.
	CORPORATIONS:
150.....	House Bill No. 301, Relating to Articles of Incorporation.
151.....	House Bill No. 125, Relating to Benevolent, Religious and Educational Corporations.
152.....	House Bill No. 78, Relating to the Powers of Fraternal, Benevolent or Charitable Corporations.
153.....	Senate Bill No. 231, Relating to Co-Operative Associations.
154.....	House Bill No. 102, Relating to Dissolution of Corporations.
155.....	House Bill No. 298, Relating to Dissolution of Corporations.
156.....	House Bill No. 305, Relating to Election of Directors.
157.....	Senate Bill No. 304, Relating to Foreign Corporations.
158.....	House Bill No. 18, Relating to Reports of Corporations.
159.....	Senate Bill No. 79, Adopting Uniform Stock Transfer Act.

Chapter No.	COUNTIES:
160.....	House Bill No. 65, Relating to Appeals from County Commissioners.
161.....	House Bill No. 9, Relating to Bounties on Pocket Gophers, Crows and Magpies.
162.....	House Bill No. 25, Relating to Destruction of Insect Pests.
163.....	Senate Bill No. 195, Relating to County Free Libraries.
164.....	Senate Bill No. 116, Authorizing a Building at County Seats for Joint County, City, Community and Memorial Purposes.
165.....	House Bill No. 82, Relating to Rewards for Criminals.
166.....	Senate Bill No. 248, Relating to Exhibits at State Fair.
167.....	House Bill No. 343, Relating to Quarterly Statement of Auditor and Treasurer.
	COUNTY COMMISSIONERS:
168.....	Senate Bill No. 297, Relating to Compensation of County Commissioners.
169.....	Senate Bill No. 104, Authorizing Tax Levy for Exhibition Buildings.
170.....	House Bill No. 168, Relating to Publication of Proceedings.
	COUNTY COURTS:
171.....	House Bill No. 322, Relating to Claims Against Estates of Decedents.
172.....	House Bill No. 299, Relating to Probate Notices.
	COURTS:
173.....	Senate Bill No. 49, Fixing Terms of Court, Second Circuit.
174.....	House Bill No. 44, Terms of Court, Third Circuit.
175.....	House Bill No. 54, Terms of Court, Eighth Circuit.
176.....	Senate Bill No. 19, Providing for Additional Judge, Eleventh Circuit
177.....	Senate Bill No. 43, Relating to Compensation of Clerk of Courts.
178.....	House Bill No. 268, Relating to the Taking of Depositions by a Commission.
179.....	House Bill No. 206, Relating to Examination of Injured in Personal Injury Actions.
180.....	House Bill No. 351, Relating to Circuit Judges Acting in Other Circuits.
181.....	Senate Bill No. 214, Relating to Judgment Notwithstanding Verdict.
182.....	Senate Bill No. 320, Relating to Jurisdiction of Circuit Court in Case of Land Patented to Heirs and Legalizing Jurisdiction of County Court in Such Cases.
183.....	House Bill No. 69, Relating to Jurors.
184.....	Senate Bill No. 10, Relating to Fees of Jurors.
185.....	House Bill No. 276, Relating to Motion for New Trial.
186.....	House Bill No. 190, Relating to Photographs and Measurements of Suspects and Convicts.
187.....	Senate Bill No. 172, Relating to Procedure in Case of Small Claims.
	CUSTER STATE PARK:
188.....	Senate Bill No. 153, Relating to Custer State Park.
189.....	Senate Bill No. 164, Relating to Custer State Park Board.
	DEPARTMENT OF AGRICULTURE:
190.....	Senate Bill No. 162, Relating to Department of Agriculture.
	DEPARTMENT OF MARKETING:
191.....	Senate Bill No. 217, Transfer of Funds to Department of Agriculture.
	DENTISTRY:
192.....	House Bill No. 185, Relating to Dentistry.
	DRAINAGE:
193.....	Senate Bill No. 236, Relating to Drainage.
194.....	House Bill No. 320, Relating to Drainage.
195.....	House Bill No. 227, Relating to Drainage Assessments.

Chapter No.	DRAINAGE—Continued:
196.....	House Bill No. 304, Relating to Drainage Bonds.
197.....	Senate Bill No. 219, Relating to Petition for Drainage.
198.....	House Bill No. 314, Relating to the James and Big Sioux Valley Drainage Commission.
	EDUCATION:
199.....	House Bill No. 64, Relating to Compulsory Education.
200.....	Senate Bill No. 291, Relating to Compulsory Education.
201.....	House Bill No. 195, Relating to Formation of Consolidated School Districts.
202.....	Senate Bill No. 50, Relating to Abandonment of Consolidated School Districts.
203.....	Senate Bill No. 29, Relating to Instruction in Other Than the English Language.
204.....	House Bill No. 318, Relating to County High Schools.
205.....	Senate Bill No. 287, Relating to State Aid for Rural and Consolidated Schools.
206.....	House Bill No. 341, Relating to Transportation of School Children.
207.....	House Bill No. 127, Relating to Division of School Districts.
208.....	House Bill No. 344, Relating to County Superintendent of Schools.
209.....	Senate Bill No. 87, Relating to Annual Tax Levy.
210.....	Senate Bill No. 51, Relating to Oath of Allegiance by Teachers.
211.....	Senate Bill No. 286, Relating to Training of Teachers.
212.....	Senate Bill No. 95, Relating to Text Books.
213.....	Senate Bill No. 160, Relating to Text Books.
214.....	House Bill No. 36, Relating to Tuition and Districts Discontinued.
215.....	House Bill No. 147, Relating to Vocational Education.
	EMBALMING:
216.....	House Bill No. 133, Relating to State Board of Embalmers.
	EMBEZZLEMENT:
217.....	House Bill No. 10, Relating to Embezzlement.
	EMINENT DOMAIN:
218.....	Senate Bill No. 318, Relating to Trials in Condemnation Proceedings.
	ELECTIONS:
219.....	Senate Bill No. 108, Relating to Ballots on Constitutional Amendments, Initiated Measures and Referred Laws.
220.....	Senate Bill No. 15, Relating to Campaign Expenses.
221.....	Senate Bill No. 246, Relating to Campaign Expenses.
222.....	Senate Bill No. 14, Relating to the Conduct of Elections.
223.....	Senate Bill No. 93, Relating to Electors who Move from Precinct Within 30 Days Prior to Election.
224.....	Senate Bill No. 124, Relating to Non-Political Judiciary Nominations and Elections.
225.....	House Bill No. 26, Relating to Election Precincts.
226.....	House Bill No. 217, Relating to Election Precincts.
227.....	House Bill No. 87, Relating to Political Advertising.
	ESCHEATS:
228.....	Senate Bill No. 25, Relating to Escheats and Public Administrators.
	ESTATES OF DECEDENTS:
229.....	Senate Bill No. 3, Relating to Distribution and Partition.
	EVIDENCE:
230.....	House Bill No. 8, Relating to Dying Declarations.

Chapter No.	EXECUTIVE ACCOUNTANT:
231.....	Senate Bill No. 301, Relating to Duties and Compensation of Executive Accountant.
	EXTRADITION:
232.....	Senate Bill No. 80, Adopting Uniform Act for Extradition of Persons of Unsound Mind.
	FALSE PERSONATION AND CHEATS:
233.....	Senate Bill No. 40, Relating to Army Badges.
234.....	Senate Bill No. 243, Relating to Fraternal Society Emblems.
	FEEBLE MINDED:
235.....	House Bill No. 202, Relating to the Segregation of Feeble Minded.
	FENCES:
236.....	House Bill No. 109, Defining a Legal Fence.
	FINES:
237.....	House Bill No. 266, Relating to Fines in Criminal Actions.
	FOOD AND DRUGS:
238.....	Senate Bill No. 84, Defining Adulterated Drugs.
239.....	Senate Bill No. 39, Relating to Bread.
240.....	House Bill No. 139, Relating to State Food and Drug Commissioner.
241.....	Senate Bill No. 6, Relating to License for Hotels, Restaurants, Etc.
242.....	Senate Bill No. 83, Requiring Sanitary Conditions for the Preparation, Distribution and Sale of Food Products.
	GAME AND FISH:
243.....	Senate Bill No. 21, Relating to Hunting by Aliens.
244.....	House Bill No. 305, Relating to Hunting Big Game.
245.....	Senate Bill No. 70, Relating to Hunting Deer.
246.....	Senate Bill No. 63, Relating to Deputy Wardens.
247.....	Senate Bill No. 18, Relating to Resident Hunter's License.
248.....	House Bill No. 93, Establishing the Theodore Roosevelt Game Refuge.
	GUARDIANS:
249.....	House Bill No. 124, Relating to Sale of Real Estate by Guardians.
	HIGHWAYS:
250.....	House Bill No. 57, Relating to Access to Highways in Case of Drains or Elevations.
251.....	House Bill No. 355, Relating to Electric Wires Across.
252.....	House Bill No. 218, Relating to Highway Signs.
	HOLIDAYS:
253.....	Senate Bill No. 5, Establishing Legal Holidays.
	HOME BUILDING DEPARTMENT:
254.....	House Bill No. 315, Creating the State Home Building Department.
	HOMESTEADS:
255.....	House Bill No. 123, Relating to Conveyance or Incumbrance of Homestead.
	HOTELS AND RESTAURANTS:
256.....	Senate Bill No. 82, Relating to Inspection and Licensing of Hotels, Restaurants and Rooming Houses.
	HYDRO-ELECTRIC POWER PLANTS:
257.....	House Bill No. 364, Submitting to a Vote of the People Initiated Measure Relating to Hydro-Electric Power Plants and Transmission Systems.
	INSURANCE:
258.....	House Bill No. 61, Relating to Accident and Health Insurance.
259.....	House Bill No. 358, Relating to Bank Burglary Insurance.

Chapter No.	INSURANCE—Continued.
260.....	Senate Bill No. 266, Relating to Authority Over Dilapidated or Neglected Buildings.
261.....	Senate Bill No. 20, Relating to Insurance of Children by Fraternal Benefit Societies.
262.....	House Bill No. 153, Relating to Commissioner of Insurance.
263.....	Senate Bill No. 234, Relating to County Mutual Fire Insurance Companies.
264.....	Senate Bill No. 4, Relating to State Hall Insurance.
265.....	Senate Bill No. 154, Relating to State Hall Insurance.
266.....	House Bill No. 261, Relating to Investment of Funds of Life, Health and Accident Insurance Companies.
267.....	Senate Bill No. 37, Relating to Mutual Insurance Companies, Except Life.
268.....	Senate Bill No. 327, Relating to Valuation of Securities.
	INTOXICATING LIQUORS:
269.....	Senate Bill No. 131, Relating to Alcoholic Preparations Unsuitable for Use as a Beverage.
270.....	House Bill No. 104, Relating to Denatured Alcohol.
271.....	House Bill No. 164, Relating to Druggist's Permit and Reports.
272.....	Senate Bill No. 127, Relating to Sacramental Wine.
	JOINT RESOLUTIONS:
273.....	H. J. R. No. 5, For the Display of the Flag on Mothers' Day.
274.....	S. J. R. No. 2, Relating to Publication of Acts of the Special Sessions of the Sixteenth Legislature.
275.....	S. J. R. No. 9, Relating to Disposal of Useless Books, Etc., in the State House.
	JUSTICE OF THE PEACE:
276.....	Senate Bill No. 118, Relating to Fees.
	LEASES:
277.....	Senate Bill No. 47, Relating to Leases of Real Property.
	LEGISLATURE:
278.....	Senate Bill No. 313, Relating to Legislative Apportionment.
	LEGISLATIVE EXPENSE:
279.....	Senate Bill No. 38, Relating to Expense Allowance for Members of the Legislature.
	LIENS:
280.....	House Bill No. 242, Relating to Mechanics' Liens.
281.....	House Bill No. 120, Relating to Lien for Threshers of Grain and Shellers of Corn.
	LIMITATION OF ACTIONS:
282.....	House Bill No. 14, Relating to Time of Commencing Actions.
	MALICIOUS MISCHIEF:
283.....	Senate Bill No. 112, Relating to the Destruction or Attempted Destruction of Property by Fire or Explosives.
	MARKS AND BRANDS:
284.....	Senate Bill No. 7, Relating to Hides of Branded Cattle Slaughtered.
285.....	Senate Bill No. 253, Relating to Marks and Brands.
	MINES AND MINING:
286.....	Senate Bill No. 163, Relating to Expenses of Inspector of Mines.
	MORATORIUM:
287.....	Senate Bill No. 58, Relating to the Moratorium Acts.
	MORTGAGES:
288.....	House Bill No. 112, Relating to Execution of Chattel Mortgages.

Chapter No.	MORTGAGES—Continued.
289.....	Senate Bill No. 99, Relating to Foreclosure of Chattel Mortgages.
290.....	Senate Bill No. 145, Relating to Foreclosure of Chattel Mortgages.
	MOTHERS' PENSIONS:
291.....	House Bill No. 313, Relating to Mothers' Pensions.
	MOTOR VEHICLES:
292.....	House Bill No. 368, Relating to Motor Fuel Tax.
293.....	Senate Bill No. 335, Relating to Motor Vehicles.
294.....	House Bill No. 209, Relating to Disposition of License Fees.
	MUNICIPAL CORPORATIONS:
295.....	Senate Bill No. 210, Relating to Appropriations.
296.....	House Bill No. 193, Relating to Cities Employing a City Manager.
297.....	House Bill No. 155, Relating to Contracts of Municipal Corporations.
298.....	Senate Bill No. 24, Relating to Fiscal Year.
299.....	House Bill No. 345, Relating to Change of Form of Government.
300.....	House Bill No. 293, Relating to Initiative and Referendum.
301.....	Senate Bill No. 56, Relating to Municipal Justices.
302.....	House Bill No. 192, Relating to Park Boards Created by Ordinance.
303.....	House Bill No. 286, Relating to Park Boards Created by Electors.
304.....	House Bill No. 117, Relating to Police.
305.....	House Bill No. 30, Relating to Powers of Municipal Corporations.
306.....	House Bill No. 45, Relating to Powers of Municipal Corporations.
307.....	House Bill No. 116, Relating to Powers of Municipal Corporations.
308.....	Senate Bill No. 142, Relating to Powers of Municipal Corporations.
309.....	House Bill No. 294, Relating to Powers of Municipal Corporations.
310.....	Senate Bill No. 321, Relating to Exercise of Powers.
311.....	House Bill No. 253, Relating to the Sale of Real Estate.
312.....	House Bill No. 184, Relating to Refunding Bonds.
313.....	Senate Bill No. 285, Relating to Registration for Elections.
314.....	Senate Bill No. 211, Relating to Financial Reports by Auditor and Clerks.
315.....	Senate Bill No. 27, Relating to Passage of Resolutions.
316.....	House Bill No. 180, Relating to Bonds for Sewerage.
317.....	House Bill No. 182, Relating to Special Assessment for Sewers.
318.....	House Bill No. 177, Relating to Special Assessments.
319.....	House Bill No. 183, Relating to Special Assessment Bonds.
320.....	Senate Bill No. 256, Relating to Special Assessment Certificates.
321.....	House Bill No. 159, Relating to Vacancy in Office of Alderman.
	MUNICIPAL COURTS:
322.....	House Bill No. 204, Relating to Garnishment.
	NEGOTIABLE INSTRUMENTS:
323.....	House Bill No. 140, Relating to Notes Given for Medical Treatment.
	NORMAL SCHOOLS:
324.....	Senate Bill No. 152, Relating to Names of Normal Schools.
	PARENT AND CHILD:
325.....	Senate Bill No. 175, Relating to Custody of Minors.
	PARKS:
326.....	Senate Bill No. 181, Relating to Closing Gates of Parks, Etc.
327.....	Senate Bill No. 183, Relating to Trespass by Animals in State Parks.
	Laws—9.

Chapter No.	POISONS:
328.....	Senate Bill No. 176, Relating to the Laying Out of Poisons.
	PRIMARY ELECTIONS:
329.....	House Bill No. 46, Relating to Paramount Issues and Joint Debates.
330.....	House Bill No. 56, Relating to Party Indorsement for Appointive Offices.
331.....	Senate Bill No. 76, Relating to Party Platform.
332.....	House Bill No. 55, Relating to Candidates for Postmaster.
333.....	Senate Bill No. 81, Relating to Publicity Pamphlet.
	PUBLIC DANCE HALLS:
334.....	House Bill No. 167, Relating to Public Dance Halls.
	PUBLIC FUNDS:
335.....	House Bill No. 72, Relating to the Deposit of Public Funds.
336.....	House Bill No. 20, Relating to Emergency Building Fund.
337.....	Senate Bill No. 299, Providing for Temporary Transfer of County Funds.
338.....	Senate Bill No. 232, Authorizing Temporary Transfer of Funds of Hanson County.
	PUBLIC HEALTH:
339.....	Senate Bill No. 295, Relating to Venereal Diseases.
	PUBLIC LANDS:
340.....	Senate Bill No. 182, Relating to Use of Fire Tools of Forest Service.
	PUBLIC MARKETS:
341.....	House Bill No. 99, Relating to Chambers of Commerce, Etc.
	PUBLIC OFFICERS:
342.....	Senate Bill No. 255, Relating to Census as Basis of Salaries.
	PUBLIC PRINTING:
343.....	Senate Bill No. 71, Relating to Deputy Commissioner.
	RAILROAD COMMISSIONERS:
344.....	Senate Bill No. 328, Relating to Attorney for Railroad Commissioners.
345.....	Senate Bill No. 88, Relating to Enforcement of Orders.
346.....	House Bill No. 328, Relating to Inspection of Scales.
347.....	House Bill No. 77, Relating to Inspection of Warehouses and Scales.
348.....	Senate Bill No. 332, Relating to Salaries.
349.....	Senate Bill No. 113, Relating to Stock Yards.
	RAILROADS:
350.....	House Bill No. 339, Fixing Rates of Transportation to Firemen's Tournaments.
	REGISTER OF DEEDS:
351.....	Senate Bill No. 165, Relating to the Recording of Affidavits.
352.....	House Bill No. 19, Relating to the Recording of Certain Instruments.
	RENTAL STORAGE BATTERIES:
353.....	Senate Bill No. 48, Relating to Rental Storage Batteries.
	RODENT PESTS:
354.....	House Bill No. 279, Relating to Rodent Pests.
	SALES:
355.....	House Bill No. 88, Enacting the Uniform Sales Act.
	SCHOOL AND PUBLIC LANDS:
356.....	House Bill No. 264, Relating to Foreclosure of Mortgages.
357.....	Senate Bill No. 129, Relating to Navigable River and Lake Beds.
358.....	House Bill No. 121, Relating to Leases of School and Public Lands.

Chapter No.	SECRETARY OF STATE:
359.....	House Bill No. 332, Relating to Duties of Secretary of State.
360.....	House Bill No. 362, Relating to Fees of Secretary of State.
	SECURITIES COMMISSION:
361.....	House Bill No. 338, Relating to Securities Commission.
	SHERIFFS:
362.....	House Bill No. 135, Relating to Sheriff's Fees.
	SOLDIERS' COMPENSATION ACT:
363.....	Senate Bill No. 240, Relating to Soldiers' Compensation.
	SOLDIERS' HOME:
364.....	House Bill No. 171, Relating to Admission to Home.
	SOLDIERS AND SAILORS:
365.....	Senate Bill No. 139, Relating to Appointment to Office.
	SOUTH DAKOTA LAND SETTLEMENT ACT:
366.....	Senate Bill No. 325, Relating to Land Settlement.
	STATE BOARD OF CHARITIES AND CORRECTIONS:
367.....	Senate Bill No. 283, Relating to Said Board and State Parole Officer.
	STATE BOARD OF FINANCE:
368.....	Senate Bill No. 326, Relating to Active Depositaries.
	STATE BOARD OF HEALTH:
369.....	House Bill No. 238, Relating to Compensation of Board.
370.....	Senate Bill No. 221, Relating to Medical Licenses from Other States.
371.....	Senate Bill No. 294, Relating to Sheppard-Towner Maternity and Infancy Bill.
372.....	Senate Bill No. 284, Relating to Jurisdiction in Unorganized Counties.
	STATE BOARD OF PHARMACY:
373.....	Senate Bill No. 223, Relating to Pharmacist's License.
	STATE BUDGET BOARD:
374.....	Senate Bill No. 260, Relating to State Budget Board.
	STATE BONDING DEPARTMENT:
375.....	House Bill No. 278, Relating to the Bonding of Public Officers and Employees.
	STATE CAPITOL:
376.....	Senate Bill No. 191, Relating to Assistant Superintendent.
	STATE CEMENT COMMISSION:
377.....	Senate Bill No. 54, Relating to State Cement Commission Bonds.
	STATE CONSTABULARY:
378.....	House Bill No. 307, Relating to State Sheriff.
379.....	House Bill No. 366, Submitting to a Vote of the People Initiated Measure Repealing Code Sections 10226 to 10234, Inclusive, Relating to State Constabulary.
	STATE ENGINEER:
380.....	Senate Bill No. 307, Relating to Deputy, Heating Engineer, Assistants.
	STATE FUNDS:
381.....	Senate Bill No. 72, Transfer, Public Printing Fund.
382.....	Senate Bill No. 121, Relating to State Funds.
383.....	Senate Bill No. 229, Transfer of State Fund.
	STATE GOVERNMENT:
384.....	Senate Bill No. 52, Providing for an Efficiency Survey of the State Government.
	STATE HIGHWAY COMMISSION:
385.....	Senate Bill No. 55, Relating to State Highway Bonds.

Chapter No.	STATE HIGHWAY COMMISSION—Continued:
386.....	House Bill No. 118, Relating to County Bridges.
387.....	Senate Bill No. 296, Relating to State Highway Commission.
388.....	House Bill No. 170, Relating to County Highway Superintendent.
389.....	Senate Bill No. 311, Relating to Salaries and Expenses.
	STATE HISTORICAL SOCIETY:
390.....	House Bill No. 197, Relating to Office of Secretary.
	STATE INDUSTRIAL SCHOOL FOR GIRLS:
391.....	Senate Bill No. 89, Relating to State Industrial School for Girls.
	STATE LIVE STOCK SANITARY BOARD:
392.....	Senate Bill No. 312, Relating to Dipping Vats.
393.....	House Bill No. 306, Relating to State Live Stock Sanitary Board.
394.....	House Bill No. 50, Authorizing Payment of Certain Claims Against Tuberculosis Indemnity Fund.
	STATE PENITENTIARY:
395.....	Senate Bill No. 347, Relating to Adjustment of Claims on Account of Defective Twine.
	STATE SHERIFF:
396.....	House Bill No. 165, Providing for An Official Seal.
	STATE WARRANTS:
397.....	Senate Bill No. 2, Relating to State Revenue Warrants.
	STATE'S ATTORNEY:
398.....	House Bill No. 81, Relating to Deputies and Special Agents.
	SUNDAY:
399.....	House Bill No. 363, Submitting to a Vote of the People, Initiated Measure Repealing Code Section 3853.
	SUPREME COURT:
400.....	House Bill No. 17, Relating to Expense of Judges.
	SUPREME COURT REPORTS:
401.....	House Bill No. 342, Relating to Selling Price of Supreme Court Reports.
	TELEGRAPHS AND TELEPHONES:
402.....	Senate Bill No. 75, Relating to Consolidation of Telegraph and Telephone Lines.
	TOWNSHIPS:
403.....	House Bill No. 285, Relating to Waters.
	TRESPASS OF ANIMALS:
404.....	Senate Bill No. 41, Relating to Security for Damages.
405.....	House Bill No. 108, Relating to Damages, Trespass by Animals.
	UNIFORM LEGISLATION:
406.....	Senate Bill No. 272, Relating to Commissioners on Uniform Legislation.
	UNIVERSITY OF SOUTH DAKOTA:
407.....	House Bill No. 369, Submitting to a Vote of the People Initiated Measure to Remove the University of South Dakota from Vermillion to Sioux Falls.
	UNORGANIZED COUNTIES:
408.....	House Bill No. 41, Relating to Unorganized Counties.
409.....	House Bill No. 156, Relating to Civil and Criminal Jurisdiction and Taxation of Unorganized Counties.
	VITAL STATISTICS:
410.....	Senate Bill No. 62, Relating to Fees for Vital Statistics.
	WITNESSES:
411.....	House Bill No. 349, Relating to Depositions in Criminal Cases.

Chapter No.	WITNESSES—Continued:
412.....	House Bill No. 28, Relating to Privileged Communications.
413.....	Senate Bill No. 271, Adopting Uniform Foreign Depositions Act.
	WOLF BOUNTIES:
414.....	Senate Bill No. 177, Relating to Payment of Wolf Bounties.
	WOMEN'S COMMITTEE OF INVESTIGATION:
415.....	House Bill No. 239, Relating to Women's Committee of Investigation.
	WORKMEN'S COMPENSATION LAW:
416.....	House Bill No. 114, Relating to Actions Where Third Persons are Liable.
417.....	House Bill No. 137, Relating to Hearings Before Board of Arbitration.
418.....	House Bill No. 35, Relating to Compensation.
419.....	Senate Bill No. 244, Relating to Compensation for Injury.
420.....	House Bill No. 34, Relating to Compensation for Death.
421.....	Senate Bill No. 303, Relating to Wilful Neglect or Misconduct of Employee.
422.....	House Bill No. 136, Relating to Industrial Commissioner and Deputy.
423.....	House Bill No. 282, Relating to Operation of Threshing Machines.
	WRIT OF PROBATION:
424.....	House Bill No. 100, Defining the Writ of Prohibition.
	YANKTON STATE HOSPITAL:
425.....	Senate Bill No. 315, Relating to Transfer of Funds.

Abduction

CHAPTER 1.

(S. B. 337)

RELATING TO ABDUCTION OF FEMALE MINORS.

AN ACT Entitled, An Act to Amend Section 4102 of the South Dakota Revised Code of 1919, Relating to Abduction.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 4102 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 4102 Every person who takes away any female under the age of fifteen years from her father, mother, guardian or other person having the legal charge of her person, without his or her consent, for the purpose of marriage; and every person who shall persuade, induce, entice, coerce, or take away any female under the age of eighteen years from her father, mother, guardian, or other person having the legal charge of her person for the purpose of debauchery, illicit relationship, concubinage, prostitution, or other immoral purpose is punishable by imprisonment in the state penitentiary not to exceed twenty years.

Approved March 12, 1921.

Acknowledgements

CHAPTER 2.

(S. B. 13)

RELATING TO FORM OF ACKNOWLEDGEMENTS BY CORPORATIONS.

AN ACT Entitled, An Act to Amend Subdivision 2 of Section 587 of the South Dakota Revised Code of 1919, Relating to Certificate of Acknowledgement of an Instrument.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Subdivision 2 of Section 587 of the South Dakota Revised Code of 1919, be, and the same is hereby amended to read as follows:

2. The certificate of acknowledgement of an instrument executed by a corporation must be substantially in the following form:

TERRITORY OF _____ OR STATE OF _____
 County of _____ ss.
 On this _____ day of _____, in the year _____
 before me (here insert the name and quality of the officer), personally

appeared _____, known to me (or proved to me on the oath of _____) to be the _____ of the corporation that is described in and that executed the within instrument, and acknowledged to me that such corporation executed the same.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved February 5, 1921.

Acts Legalized

CHAPTER 3.

(H. B. 110)

LEGALIZING BARNARD CONSOLIDATED SCHOOL DISTRICT BOND ISSUE.

AN ACT Entitled, An Act Leegalizing the \$77,000.00 Bond Issue of the Barnard Independent Consolidated School District No. 2, an Independent Consolidated School District of Barnard, Brown County, South Dakota, and Authorizing the Issuance of Bonds, Providing for Semi-Annual Interest Payments, Under the Resolution Adopted by the Board of Education of said School District, and Approved by the Electors at an Election Duly Called and Held.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That the issue of \$77,000.00 of bonds of the Barnard Independent Consolidated District No. 2, an Independent School District of Barnard, Brown County, South Dakota, authorized by vote of the electors of said Consolidated School District at an election duly called and held therein on the 15th day of June, A. D., 1920, and provided for by Resolution of the Board of Education on July 19th, 1920, is hereby legalized and declared valid, together with all acts and proceedings of the said Board of Education or other officers pertaining to the calling, giving notice of, and holding or in anywise pertaining to the election and issuance of said bonds, notwithstanding any error or omission, clerical or otherwise, on the part of, or under the direction of said Board of Education or other officer or officers in connection with or pertaining to, any of said matters relating to the issuance and sale of said bonds.

Section 2. That the Board of Education of said Independent School District be and they hereby are authorized and empowered to provide for the payment of semi-annual interest upon said bonds at the rate of interest they were to draw in lieu of annual interest as provided in the Resolution for the issuance thereof.

Section 3. Whereas this act is necessary for the support of state government and its existing institutions, an emergency is hereby declared to exist and this act shall take effect and be in full force from and after its passage and approval.

Approved February 14, 1921.

CHAPTER 4.

(S. B. 53)

LEGALIZING BROOKINGS BOND ELECTION AND BOND ISSUE.

AN ACT Legalizing the Authorization and Issuance of Certain Funding Bonds of the City of Brookings, South Dakota, and the Proceedings of the Board of Commissioners and Other Officers of said City with Reference Thereto and the Special Bond Election Held Therein, November 2, 1920, with Reference Thereto, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That the proceedings of the Board of Commissioners and other officers of the City of Brookings, Brookings County, South Dakota, and all things done in connection with and under the direction of said Board and all Resolutions and Ordinances of said City, relative to the authorization and issuance of bonds to the amount of \$100,000.00 by said City, \$65,000.00 thereof for the purpose of funding a floating indebtedness of said City for water and sewerage, and \$35,000.00 thereof for funding a floating indebtedness for miscellaneous general purposes of said City, and the special election held in and for said City November 2nd, 1920, whereat the electors determined in favor of issuing said bonds and authorized the issuance thereof for the purpose stated, and the outstanding warrants of said City to fund which said bonds were so authorized, are hereby declared legal and valid, notwithstanding any lack of authority or sufficiency of any Resolutions or other proceedings or any error or omission, clerical or otherwise, in connection with or pertaining to said matters.

Section 2. That the bonds issued, or to be issued, by said City of Brookings, South Dakota, for the purpose of funding such floating indebtedness to the amount of \$100,000.00 so authorized at special election and the City Warrants of said City to fund which such bonds were so authorized are hereby legalized and declared valid.

Section 3. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this act shall be in full force and effect from and after its passage and approval.

Approved January 27, 1920.

CHAPTER 5.

(H. B. 201)

LEGALIZING ORDERS OF COUNTY COURT.

AN ACT Entitled, An Act Relating to Orders of the County Court of this State, and Making all Orders of Such Courts Which were Signed and Filed Prior to the Taking Effect of this Act Complete and Effective as of the Date on Which They Were Signed.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. All orders of the County Courts of this State which were signed in writing by the County Judge thereof prior to the taking effect of this act, and which have been heretofore attested by

the Clerk and filed in his office, are hereby declared to be legal, valid, complete and effective as such as of the date on which such orders were signed by the Judge of such court, notwithstanding the provisions of Section 317 of the Code of Civil Procedure of 1903 and the provisions of Section 2561 of the Revised Codes of the State of South Dakota for 1919.

Approved February 25, 1921.

CHAPTER 6.

(S. B. 300)

LEGALIZING CUSTER COUNTY BOND ISSUE.

AN ACT Entitled, An Act Legalizing and Validating the Election Held August 12, 1919, in Custer County, for the Purpose of Voting on the Issuance of Bonds of Said County for the Purpose of Building, Improving, Repairing and Surfacing the Highway System of Said County and the Bonds to be Issued Pursuant Thereto and Legalizing and Validating all Acts and Proceedings of the Board of County Commissioners of Said County, and Other Officers Pertaining to Said Election, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That the election held in the County of Custer, in the State of South Dakota, August 12th, 1919 for the purpose of voting on the question of issuing the bonds of said County in the amount of One Hundred Fifty Thousand Dollars (\$150,000.00) for the purpose of building, improving, repairing and surfacing the highway system of said County, and all Bonds issued pursuant thereto, are hereby legalized and declared valid, together with all acts and proceedings of the Board of County Commissioners of said County or any other officers pertaining to the calling, giving notice of, and holding or in anywise pertaining to such election, notwithstanding any defect, error or omission, clerical or otherwise, on the part of or under the direction of said Board or other officer or officers in connection with or pertaining to said matters as the case may be.

Section 2. Whereas, this act is necessary for the immediate support of the State Government and existing public institutions, an emergency is hereby declared to exist, and this act shall take effect and be in full force from and after its passage and approval.

Approved March 10, 1921.

CHAPTER 7.

(H. B. 95)

LEGALIZING BONDS, INDEPENDENT DISTRICT O. DELMONT.

AN ACT Entitled, An Act Legalizing and Validating the Election Held on October 28, 1919, in Independent District of Delmont, Douglas County, South Dakota, for the Purpose of Voting on the Issuance of Bonds of Said District for the Purpose of Constructing and Furnishing a New School House Therein, and all Acts and Proceedings of the Board of Education of Said District, and all Other Officers Pertaining to Such Election.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That the election held in Independent District of Delmont, Douglas County, South Dakota, on the 28th day of October, 1919, for the purpose of voting on the question of issuing bonds of said District in the amount of \$43,000.00 payable in 20 years from date, and bearing interest not exceeding 6% per annum, payable annually, for the purpose of constructing and furnishing a new school house in city of Delmont, in said District, and all bonds to be issued pursuant thereto, are hereby legalized and declared valid, together with all acts and proceedings of the Board of Education or other officers pertaining thereto, notwithstanding any error, clerical or otherwise, or any omissions on the part of said Board of Education or other officers, or in the sufficiency of the resolutions or notice of election, or in the proceedings pertaining to said matters, and that all bonds issued or to be issued thereunder or in pursuance to said election are hereby declared to be legal and valid obligations.

Section 2. Whereas, this Act is necessary for the immediate support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved February 8, 1921.

CHAPTER 8.

(S. B. 252)

LEGALIZING FT. PIERRE BOND ISSUE.

AN ACT Entitled, An Act Legalizing the \$25,000.00 Bond Issue of the City of Fort Pierre for the Purpose of Improving and Equipping the Water-works System of Said City Voted for at an Election Held on October 5, 1920, Under a Resolution Theretofore Adopted.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That the election held in the city of Fort Pierre in the County of Stanley, State of South Dakota, on October 5th, 1920, for the purpose of voting upon the question of issuing the bonds of said city in the amount of \$25,000.00 to provide money to improve and more completely equip the waterworks system of the said city, said bonds to run for a period of not less than five or more than twenty years, at a maximum rate of interest not exceeding six per

cent per annum and all bonds to be issued pursuant thereto are hereby legalized and declared valid, together with all acts and proceedings of the governing body of said city, or other officers pertaining to the calling, giving notice of and holding, or in anywise pertaining to such election, notwithstanding any error or omission, clerical or otherwise, on the part of, or under the direction of said governing body or other officer or officers in connection with, or pertaining to, any of said matters as the case may be.

Section 2. Whereas, this act is necessary for the support of the state government and its existing institutions, an emergency is hereby declared to exist and this act shall take effect and be in full force from and after its passage and approval.

Approved March 10, 1921.

CHAPTER 9.

(H. B. 275)

RELATING TO DEFECTIVE GUARDIANSHIP PROCEEDINGS.

AN ACT Entitled, An Act Validating the Appointment of, the Bonds of, and the Letters of Guardianship of Certain Guardians, Together With Their Acts as Such Guardians.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That the appointment of and the bonds of any guardian of any minor or any incompetent person, made, five years prior to this Act, by order of any County Court within the State of South Dakota, and the letters of guardianship issued pursuant to such order of appointment, in the proceedings of which such guardianship matter, proof of notice as required by law cannot be found or does not appear, and in which the bond required of such guardian under the provisions of Section 3499 and Section 3507 of the South Dakota Revised Code of 1919, bears the signature of one surety only, or in which the surety or surties thereon have failed to justify, or which does not have the formal approval of the Judge of the County Court endorsed thereon; together with all such Acts of such guardian, as such guardian, by him in good faith taken, pursuant to the orders of and with the approval of the Judge of the County Court, are hereby legalized, cured and validated as fully as if guardianship proceedings had been wholly regular and as by law provided.

Approved March 12, 1921.

CHAPTER 10.**(H. B. 40)****LEGALIZING ACTS OF HARROLD CONSOLIDATED SCHOOL DISTRICT.**

AN ACT Entitled, An Act Legalizing all Proceedings of the Harrold Independent Consolidated School District Number Three Upon the Issuance of Bonds for the Purpose of Purchasing a Suitable Site and Erecting a Suitable Building for School Purposes in Said District, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That all acts and proceedings of the Board of Education of Harrold Independent Consolidated School District Number Three, of Hughes and Sully County, South Dakota and of the electors and election officers of said district relating and pertaining to the issuance of bonds of said district in the amount of \$75,000 for the purpose of purchasing a suitable site and erecting a suitable building for school purposes in said district, had and taken in the year 1920 and leading up to and including the offer of said bonds to public bid upon the eighth day of January 1921 and including the notice given and published calling an election upon the question of the issuance of such bonds, are hereby legalized and validated, as of the respective dates of such proceedings and election, notwithstanding any irregularities or errors, omissions or defects, clerical in law or otherwise therein.

Section 2. Whereas this act is necessary for the immediate preservation of the public peace and safety of the state and for the immediate support of the state government and its existing institutions, an emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage and approval.

Approved January 29, 1921.

CHAPTER 11.**(H. B. 321)****LEGALIZING HART TABLE CONSOLIDATED SCHOOL DISTRICT BOND ISSUE.**

AN ACT Entitled, An Act Legalizing all Proceedings of the Hart Table Independent Consolidated School District Number 44 Upon the Issuance of Bonds for the Purpose of Purchasing a Suitable Site and Erecting a Suitable Building for School Purposes in Said District.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That all acts and proceedings of the Board of Education of Hart Table Independent Consolidated School District Number 44, Pennington County, South Dakota, and of the electors and election officers of said district, relating and pertaining to the issuance of bonds of said district in the amount of \$23,000.00 for the purpose of purchasing a suitable site and erecting a suitable building for school purposes in said district, had and taken in the year 1919, and leading up to and including the offer of said bonds to public bid upon the 18th day of December, 1920, and including the notice given and published calling an election upon the question of the issuance of such

bonds, are hereby legalized and validated, as of the respective dates of such proceedings and election, notwithstanding any irregularities or errors, omissions or defects, clerical, in law or otherwise therein.

Section 2. Whereas, this Act is necessary for the immediate preservation of the public peace and safety of the State and for the immediate support of the State government and its existing institutions, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1921.

CHAPTER 12.

(S. B. 239)

LEGALIZING HUDSON BOND ISSUE.

AN ACT Entitled, An Act Legalizing Certain Bond Issues of the Town of Hudson, Lincoln County, South Dakota, and all Acts of the Officers of Said Town Incident to the Issuance of Said Bonds, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That all acts of the Board of Trustees of the town of Hudson, Lincoln County, South Dakota, and all other officers of said town, and all acts done under their direction, and all proceedings had, and resolutions adopted, in furtherance thereof or pertaining to the issuance of bonds in the amount of \$8,000.00 for the purpose of extending the water works system in said town, and in the amount of \$26,000.00 for the purpose of establishing and constructing a sewerage system in and for said town, be, and the same are, hereby legalized and declared to be valid notwithstanding any errors, clerical or otherwise, or any omission on the part of the Board of Trustees of said town or of other municipal officers or others acting under the direction of said Board in the proceedings incident to the issuance of said bonds.

Section 2. That all bonds issued by said town of Hudson through its Board of Trustees for the purposes mentioned in the preceding section and which are referred to in the petition filed and resolutions passed by said Board on December 27th, 1920, and voted upon at the election held on January 10th, 1921, be, and the same are, hereby legalized and declared valid.

Section 3. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1921.

CHAPTER 13.**(S. B. 8)****LEGALIZING HURON SCHOOL BOND ISSUE.**

AN ACT Entitled, An Act Legalizing and Validating the Election Held in Huron, Beadle County, South Dakota, for the Purpose of Voting on the Issuance of Bonds of the Independent School District of Huron, Beadle County, South Dakota, for the Erection of a School House Therein, and the Bonds to be Issued Pursuant Thereto, and Legalizing and Validating all Acts, Parts of Acts, and Proceedings of the Board of Education of Said School District and Other Officers Pertaining to Such Election, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That the election held in the County of Beadle, in the State of South Dakota, and in the city of Huron therein, on the 15th day of June, A. D. 1920, for the purpose of voting on the question of issuing bonds of the said Independent School District of Huron, Beadle County, South Dakota, in the amount of Seventy Thousand & NO-100 (\$70,000.00) Dollars, for the purpose of erecting a new School House therein, and all Bonds to be issued pursuant thereto, are hereby legalized and declared valid, together with all acts and proceedings, and parts of acts, of the Board of Education of the Independent School District of Huron, Beadle County, South Dakota, or other officers pertaining to the calling, giving notice of and holding, or in any wise pertaining to such election, notwithstanding any error or omission, clerical or otherwise, on the part of, or under the direction of said Board of Education of the Independent School District of Huron, Beadle County, South Dakota, or other officer or officers in connection with or pertaining to any of said matters as the case may be.

Section 2. Whereas, this act is necessary for the support of the State Government and the existing institutions, an emergency is hereby declared to exist and this act shall take effect and be in full force from and after its passage and approval.

Approved January 27, 1921.

CHAPTER 14.**(H. B. 353)****LEGALIZING MENNO REFUNDING BONDS.**

AN ACT Entitled, An Act Legalizing the Issuance of Refunding Bonds by the City of Menno, South Dakota, for the Purpose of Funding the Outstanding Indebtedness, and the Acts of the Officers of Said City in Relation Thereto.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That all the acts of the City Council of the City of Menno, South Dakota, or other municipal officers of said City, and all resolutions and proceedings had, including the election held on the 17th day of December, 1920, whereby the issuance of refunding bonds in the sum of \$38,000 was authorized by a majority vote of all the electors of said City, for the purpose of funding and paying the ac-

cumulated indebtedness of said City, represented by City warrants drawn on the City Treasurer, are hereby legalized and declared valid.

Section 2. That all bonds issued by the municipal officers of said City of Menno, South Dakota, or by or under their direction, for the purpose funding the outstanding indebtedness of the City of Menno, are hereby legalized and made valid.

Section 3. Whereas, this act is necessary for the support of the state government and its existing institutions an emergency is hereby declared to exist and this act shall be in force and effect from and after its passage and approval.

Approved February 28, 1921.

CHAPTER 15.

(H. B. 27)

LEGALIZING MURDO BOND ISSUE.

AN ACT Entitled, An Act Legalizing and Validating the Election Held on November 15, 1919, in the City of Murdo, Jones County, South Dakota, for the Purpose of Voting on the Issuance of Bonds of Said City for the Purpose of Constructing, Equipping and Maintaining a System of Waterworks and to Provide Water for Domestic Uses, and all Acts and Proceedings of the City Council of the Said City of Murdo, and all Other Officers Pertaining to Such Election.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That the election held in the City of Murdo, Jones County, South Dakota, on the 15th day of November, 1919, for the purpose of voting on the question of issuing bonds of said City in the amount of Twenty-five Thousand (\$25,000.00) Dollars for the purpose of erecting, constructing, equipping and maintaining in said City a system of water works and to provide water for domestic use, and all bonds to be issued pursuant thereto, are hereby legalized and declared valid, together with all acts and proceedings of the City Council or other officers pertaining to the calling, giving of notice, holding, voting at, or in any wise pertaining to such election, notwithstanding any error, omission, defect, clerical, or otherwise, on the part of, or under the direction of the said City Council or other officer or officers in connection with or pertaining to any of said matters as the case may be, and that all bonds issued, or to be issued thereunder or in pursuance to said election are hereby declared to be legal and valid obligations.

Approved March 1, 1921.

CHAPTER 16.

(H. B. 33)

LEGALIZING ONIDA BOND ISSUE.

AN ACT Entitled, An Act Legalizing Certain Bond Issues of the City of Onida, Sully County, South Dakota, and all Acts of the Officers of Said City Incident to the Issue of Said Bonds, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That all Acts of the City Council of the City of Onida, Sully County, South Dakota, and other city officers of said City, and all the Acts done under the direction of said officers and all proceedings had, and resolutions adopted, in furtherance thereof or pertaining to the issuance of those certain Bonds of the City of Onida, issued for the purpose of the purchase of the property, franchise, and good will of the Onida Electric Light and Power Company, for the purpose of using same as part of a system to provide light, heat, and power for municipal, industrial and domestic purposes; and all those certain Bonds of the City of Onida, issued for the purpose of constructing, extending, improving, and maintaining the waterworks of the City of Onida; and all those certain Bonds of the City of Onida issued for the purpose of building, constructing, equipping and maintaining a municipal electric and power plant, including buildings, equipment, machinery, poles and lines, for the purpose of using same as part of a system to provide light, heat and power for municipal, industrial and domestic purposes, be and the same are hereby legalized and declared to be valid, notwithstanding any errors, clerical or otherwise, or any omissions on the part of the City Council or other municipal officers in the proceedings incident to the issuance of said Bonds.

Section 2. That all Bonds issued by the City of Onida, Sully County, South Dakota, through its City Council for the purposes enumerated in Section 1 of this Act be, and the same are hereby legalized and declared to be valid.

Section 3. Whereas this Act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Approved February 8, 1921.

CHAPTER 17.

(H. B. 347)

LEGALIZING CITY MANAGER ELECTIONS AND PROCEEDINGS IN RAPID CITY.

AN ACT Entitled, An Act Legalizing and Validating the Special Election Held on the Tenth day of January, 1921, in the City of Rapid City, County of Pennington and State of South Dakota, for the Purpose of Voting Upon the Question of Employing a City Manager for Said City of Rapid City Under the Provisions of Sections 6231 to 6241, Both Inclusive, of the Revised Code of the State of South Dakota for the Year 1919, and Also Legalizing and Validating the Special Election Held on February 8, 1921, in Said City of Rapid City, Pennington County, South Dakota, for the Purpose of Electing Nine Commissioners of Said City of Rapid City Under Said Provisions of Sections 6231 to 6241, Both Inclusive, of the Revised Code of the State of South Dakota for the Year 1919, and Legalizing and Validating all Acts and Proceedings of the Board of Commissioners of Said City of Rapid City, and all Other Officers of Said City Pertaining in Any Manner to Said Elections, or Either of Them, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That the special election held on the tenth day of January, 1921, in the City of Rapid City, County of Pennington, State of South Dakota, under the provisions of Sections 6231 to 6241, both inclusive, of the Revised Code of the State of South Dakota for the year 1919, for the purpose of voting upon the question of employing a City Manager for said City and the special election thereafter held on the eighth day of February, 1921, in said City, under the provisions of Sections 6231 to 6241, both inclusive, of the Revised Code of the State of South Dakota for the year 1919, for the purpose of electing nine commissioners of said City of Rapid City are hereby legalized and declared valid, together with all acts and proceedings and parts of acts of the Board of Commissioners of said City of Rapid City, or other officers, pertaining to the calling, giving notice of and holding or in any wise pertaining to such elections or either of them notwithstanding any error or omission, clerical or otherwise, on the part of or under the direction of said Board of Commissioners of said City of Rapid City, or other officer or officers of said City in connection with or pertaining to any of said matters as the case may be.

Section 2. That the Canvassing Board of said City of Rapid City, or other officers duly authorized to canvass the votes cast at any election in said City may proceed according to law to canvass the election of said City held on the said eighth day of February, 1921, for the purpose of ascertaining which of the three candidates for the office of City Commissioner to serve until the next annual election in said City received the highest number of votes; which of the three candidates for the the office of City Commissioner to serve until the second annual election in said City received the highest number of votes, and which of the three candidates for the office of City Commissioner to serve until the third annual election in said City received the highest number of votes, and to declare the candidates so receiving the highest number of votes as aforesaid duly elected as Commissioners of said City and that such nine commissioners so elected may qualify and organize as provided by Section 6234 of the Revised Code of the State of South Dakota for the year 1919 and shall thereupon supercede and succeed the present Board of Commissioners serving in said City

Laws—10.

with all the powers conferred upon Boards of Commissioners in commission governed cities.

Section 3. Whereas this Act is necessary for the support of the State government and its existing institutions, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Approved February 24, 1921.

CHAPTER 18.

(H. B. 90)

LEGALIZING RECORDED INSTRUMENTS AFFECTING REAL PROPERTY.

AN ACT Entitled, An Act Providing That Certain Instruments Shall be Deemed to Impart Notice Notwithstanding the Absence of Any Acknowledgment or Any Defect, Omission or Informality in the Execution or Acknowledgment Thereof, and Providing for the Reading in Evidence of Such Instruments or the Records or Certified Copies Thereof.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Any instrument affecting real property, which was previous to the time of the passage and approval of this act, copied into the proper book of record, kept in the office of any register of deeds, shall be deemed to impart, after that date, notice of its contents to subsequent purchasers and incumbrancers, notwithstanding any defect, omission or informality in the execution of the instrument, or in the certificate of acknowledgement thereof, or in the absence of any such certificate, the omission of any notarial or corporate seal, from such instruments; but nothing herein shall be deemed to affect the rights of purchasers or incumbrances previous to the date of this act going into effect. Such instruments, the records of the same or certified copies thereof, may be read in evidence with the same effect as though such instruments were duly acknowledged and recorded, with notarial and corporate seals.

Approved February 8, 1921.

CHAPTER 19.

(S. B. 133)

LEGALIZING TOLSTOY BOND ISSUE.

AN ACT Entitled, An Act Legalizing Certain Bond Issues of the Town of Tolstoy, Potter County, South Dakota, and all Acts of the Officers of Said Town Incident to the Issuance of Said Bonds, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That all acts of the Board of Trustees of the town of Tolstoy, Potter County, South Dakota, and all other officers of said town, and all acts done under their direction, and all proceedings had, and resolutions adopted, in furtherance thereof or pertaining

to the issuance of certain bonds of the town of Tolstoy, issued for the purpose of grading and repairing the main streets of said town, for providing a suitable reservoir for the storage of water, for the construction of sidewalks, and for taking up outstanding warrants and other general purposes duly and legally authorized by the Board of Trustees of said town, be and the same are hereby legalized and declared to be valid notwithstanding any errors, clerical or otherwise, or any omission on the part of the Board of Trustees of said town or other municipal officers in the proceedings incident to the issuance of said bonds.

Section 2. That all bonds issued by said town of Tolstoy through its Board of Trustees for the purposes mentioned in the preceding section and which are referred to in the ordinance of said town introduced September 15th, 1920, passed September 15th, 1920 and published September 17th, 1920, be and the same are hereby legalized and declared to be valid.

Section 3. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved February 19, 1921.

CHAPTER 20.

(S. B. 45)

LEGALIZING TYNDALL BOND ELECTIONS.

AN ACT Entitled, An Act to Legalize Elections Held August 31, 1920, in the City of Tyndall, Bon Homme County, South Dakota, for the Purpose of Voting on the Issuance of Bonds of Said City in the Amount of \$65,000 for Sewers, \$30,000 for an Auditorium and \$50,000 for an Electric Light Plant, and to Legalize Said Bonds and all Acts and Proceedings of the City Council of Said City in Respect of Said Elections and Said Bonds, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That the elections held August 31, 1920, in the City of Tyndall, Bon Homme County, South Dakota, whereat was submitted separately, the question of issuing bonds of said City in the sum of \$65,000 for Sewers, \$30,000 for an Auditorium and \$50,000 for an Electric Light Plant, and all acts and proceedings done and taken in calling, noticing and holding said elections, be and the same are hereby declared to be legal and valid, notwithstanding any irregularity, omission or defect in connection therewith, and said bonds, when sold and delivered as provided by law, shall constitute valid and binding obligations of said City.

Section 2. Whereas, the needs of said City require that said several improvements be completed at the earliest date, wherefore this act is necessary for the immediate preservation of the public peace, health and safety, support of the State government and its existing public institutions, an emergency is hereby declared to exist and this act shall take effect immediately upon its passage and approval.

Approved February 2, 1921.

Appropriations

CHAPTER 21.

(S. B. 340.)

GENERAL APPROPRIATION BILL.

AN ACT Entitled, An Act Appropriating Money for Salary and Expenses of the Executive and Judicial Departments of the State, for Salaries and Expenses of all Officers, Boards and Departments, for Support and Maintenance of the Educational, Charitable and Penal Institutions, Maintenance of the State House, Maintenance of National Guard, for Geological and Soil Survey, Payment of U. S. Land Office Fees and in Aid of Normal Training in the High Schools and in Aid of Rural and Consolidated Schools, and Maintenance of Custer State Park.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated the following sums of money, or so much thereof as may be necessary, out of any money in the treasury not otherwise appropriated, for the payment of the salaries and expenses of the Executive and Judicial Departments of the State, the salaries and expenses of all State officers, boards and departments, the support and maintenance of the educational and charitable and penal institutions of the State, maintenance of the State House, the maintenance of National Guard, the support and maintenance of the Soldiers' Home, for payment of U. S. Land Office fees, for the geological and soil survey and in aid of normal training in high schools and in aid of rural and consolidated schools and maintenance of Custer State Park for the fiscal year ending June 30th, 1922, and the fiscal year ending June 30th, 1923.

Section 2. ATTORNEY GENERAL'S OFFICE

Salaries:	1921-1922	1922-1923
Attorney General	\$ 1,000	\$ 1,000
Assistant, Special Assistant, Assistant to Railroad Commissioners and Brief Attorney	12,100	12,200
Stenographers, Special Assistance and Traveling Expenses, Office Supplies, Brief Printing, Court Costs, Law Books and Incidentals	7,875	7,875
	\$ 20,975	\$ 21,075

Section 3. AUDITOR'S OFFICE

Salary of Auditor	\$ 1,800	\$ 1,800
Deputy Auditor, Assistant Deputy, Clerks, Stenographers and Bookkeepers, Stationery, Office Supplies, Incidentals, Traveling Expense and Premiums on Bonds	14,715	14,715
Expense of Auditor Provided by Law	1,200	1,200
	\$ 17,715	\$ 17,715

Section 4. ADJUTANT GENERAL

Salary of Adjutant General	\$ 2,500	\$ 2,500
Maintenance	\$ 30,000	\$ 30,000
	\$ 32,500	\$ 32,500

Section 5. DEPARTMENT OF BANKING AND FINANCE

Superintendent	\$ 4,500	\$ 4,500
First Deputy	3,000	3,000
Examiners and Special Examiners	18,000	18,000
For Expense and Mileage of Members of Guaranty Fund Commission, Postage, Printing Notices and Records, and Per Diem—Members of Guaranty Fund	4,000	4,000
	<u>\$ 29,500</u>	<u>\$ 29,500</u>

Section 6. COMMISSIONER OF SCHOOL AND PUBLIC LANDS

Salary of Commissioner	\$ 1,800	\$ 1,800
Salaries of Deputy, Forest Supervisor, Clerks, Sten- ographers, Timber Scaler and Other Employ- ees	18,160	18,160
Office, Field and Traveling Expense, Including Ad- ministration of State Forest, Court Costs and Advertising Lease and Sale Notices	12,000	12,000
Expense of Commissioner Provided by Law	1,200	1,200
	<u>\$ 33,160</u>	<u>\$ 33,160</u>

Section 7. CIRCUIT COURT JUDGES

Salary of Fourteen Judges	\$ 35,000	\$ 35,000
Expense	16,800	16,800
	<u>\$ 51,800</u>	<u>\$ 51,800</u>

Section 8. CUSTER STATE PARK

Maintenance	\$ 12,500	\$ 12,500
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Section 9. STATE ENGINEER

Salaries: Engineer	\$ 3,600	\$ 3,600
Deputy	2,500	2,500
Heating Engineer	3,000	3,000
Clerk Hire, Stationery, Traveling Expense, Inciden- tals and Instruments	4,700	4,700
	<u>\$ 13,800</u>	<u>\$ 13,800</u>

Section 10. EXECUTIVE ACCOUNTANT

Executive Accountant	\$ 3,600	\$ 3,600
Office Assistants, Stenographer, Clerk Hire, Ex- penses, Traveling Expenses, Office Supplies, Steel Filing Cases, Office Furniture and In- cidental	3,000	3,000
	<u>\$ 6,600</u>	<u>\$ 6,600</u>

Section 11. FREE LIBRARY COMMISSION

Salaries, Field Librarian and Assistant Field Li- brarian	\$ 3,000	\$ 3,000
For Purchase of Books, Special Assistants, Inciden- tal Expenses, Library Boxes, Freight, Express, Postage, Printing, Traveling Expenses, Etc.....	6,425	6,425
	<u>\$ 9,425</u>	<u>\$ 9,425</u>

Section 12. FOOD AND DRUG DEPARTMENT		
Salary of Commissioner	\$ 3,600	\$ 3,600
Salaries of Employees and Supplies, Salaries and Traveling Expenses of Inspectors	46,000	46,000
	\$ 49,600	\$ 49,600
Section 13. GOVERNOR		
Salary of Governor	\$ 3,000	\$ 3,000
For Salary of Private Secretary, Clerk Hire, Sten- ographers, Stationery, Office Supplies, Post- age, Railroad Fare, Hotel, Rent and Living Expenses and other Traveling Expenses and Incidentals	\$ 9,400	\$ 9,400
	\$ 12,400	\$ 12,400
Section 14. DEPARTMENT OF HISTORY		
For Salary of Superintendent	\$ 3,000	\$ 3,000
Assistant Superintendent, Librarian, Assistant Li- brarian, Expenses and Incidentals	5,730	5,730
	\$ 8,730	\$ 8,730
Section 15. IMMIGRATION COMMISSIONER		
Salary of Commissioner	\$ 3,600	\$ 3,600
Salaries of Employees, Traveling Expenses, Office Expenses and Other Incidentals	21,825	21,825
	\$ 25,425	\$ 25,425
Section 16. INDUSTRIAL COMMISSIONER		
Deputy Industrial Commissioner	\$ 2,520	\$ 2,520
Employees, Office Expenses, Traveling Expenses, Incidentals, Etc.	3,140	3,340
	\$ 5,660	\$ 5,860
Section 17. LIVE STOCK SANITARY BOARD		
For Salary of Superintendent	\$ 3,000	\$ 3,000
Salary of Secretary	2,500	2,500
Salary of Employees	3,150	3,150
Tuberculosis Eradication	10,000	10,000
Indemnity	35,000	33,500
Purchase of Car and Expense, Per Diem and Cost of Investigation, Office Expenses, Traveling Expenses and Other Incidentals	21,050	22,550
	\$ 74,700	\$ 74,700
Indemnity for animals destroyed on account of tuberculosis shall be paid only for animals condemned by the State and Federal authorities under the co-operative Accredited Herds agreement and rules. Claims for indemnity for the year 1921-1922, remaining unpaid, may be paid from the appropriation for the year 1922-1923 when the same becomes available.		
Section 18. MARKET COMMISSION		
Salaries	\$ 7,500	\$ 7,500
Clerk and Stenographer Hire	2,025	2,025
Office Supplies, Etc.	7,500	7,500
Terminal Market Expense	\$ 6,000	\$ 6,000
	\$ 23,025	\$ 23,025

Section 19. MINE INSPECTOR		
Salary of Inspector and Expense Fund	\$ 3,150	\$ 3,150
Section 20. BUREAU OF PUBLIC PRINTING		
Salary of Deputy	\$ 3,600	\$ 3,600
For Printing Publications, such as Specifications, Advertising for Bids, Postage, Stationery, Proof Reading, Office Supplies and Travel- Expenses	700	700
	<u>\$ 4,300</u>	<u>\$ 4,300</u>
Section 21. BOARD OF RAILROAD COMMISSIONERS		
Salaries of Commissioners	\$ 11,700	\$ 11,700
Salaries for Secretary, Employees, Assistant Sec- retary, Stenographers, Statistician, Engineer, Rate Expert, Official Reporter and Special Assistants and Incidentals	27,900	27,900
Expense of Representative in Washington	500	500
Traveling Expenses of Commissioners and Em- ployees	8,000	8,000
Office Expense, Including Stationery, Supplies, Postage, Printing, Telegrams, Telephone, Mes- sages, Freight, Express, Drayage, Incidental Expenses, Etc.	4,000	4,000
	<u>\$ 52,100</u>	<u>\$ 52,100</u>
Section 22. SECRETARY OF STATE		
Salary of Secretary	\$ 1,800	\$ 1,800
Assistant Secretary, Chief Clerk, Record Clerk, Stenographer and Extra Clerk Hire	6,750	6,750
Expense of Secretary Provided by Law	1,200	1,200
Stationery, Office Supplies, Extra Help during Leg- islature, Incidentals, Printing Laws, (Pamph- let Form), and Purchase of Adding Machine.....	2,400	1,900
For Publishing Supreme Court Reports	1,400	1,400
	<u>\$ 13,550</u>	<u>\$ 13,050</u>
Section 23. STATE SHERIFF		
Salary of Sheriff	\$ 3,600	\$ 3,600
For Compensation and Expenses of Special Agents and Other Assistants, Stenographers, Constab- ulary, Furniture, Stationery, Purchase of Auto- mobile, Incidentals, Etc.	\$ 33,988	\$ 33,988
	<u>\$ 37,588</u>	<u>\$ 37,588</u>
Section 24. SUPERINTENDENT OF PUBLIC INSTRUCTION		
Salary of Superintendent	\$ 1,800	\$ 1,800
Superintendent's Expenses Provided by Law	1,200	1,200
Salaries of Deputy, Chairman of Board of Exam- iners, Stenographers and Clerks, High School Supervisor, Assistant Superintendent, Director in Americanization, Assistant in Truancy, Sup- ervisor of Home Economics, Supervisor of Agriculture, Board of Examiners and Extra Assistants	29,940	29,940

Stationery, Supplies, Office Expenses, Incidentals, Printing(Traveling Expense and Reading Circle Work	20,250	20,250
STATE AID FUNDS:—		
Normal Training in High School, Rural Schools and Consolidated Schools, Vocational Education and Americanization	140,000	140,000
	\$ 193,190	\$ 193,190
Section 25. SUPREME COURT		
Salary of Five Judges	\$ 15,000	\$ 15,000
Clerk, Court Marshal and Librarian, Deputy Clerk, Stenographers	10,900	10,900
Reporter (Includes Expense)	1,500	1,500
Expense—Judges (Provided by Law)	9,000	9,000
General Maintenance Fund for Library, Station- ery, Supplies, Furniture and Expense of Dis- barment Proceedings	4,500	4,500
	\$ 40,900	\$ 40,900
Section 26. STATE HOUSE		
For Salaries, Deputy Superintendent, Maintenance, Fuel, Lights and Janitor Service	\$ 53,400	\$ 55,400
Installation Lignite Grates and Hand Stokers, the Balance Available for Maintenance	2,000	
	\$ 55,400	\$ 55,400
Section 27. TREASURER'S OFFICE		
Salary of Treasurer	\$ 1,800	\$ 1,800
Salary of Deputy, Assistant Deputy, Bookkeeper, Stenographer, Extra Clerk Hire, Advertising Bond Sales, Stationery, Office Supplies, Inci- dentals and Traveling Expenses	8,810	9,110
Expense of Treasurer Provided by Law	1,200	1,200
Treasurer's Bond	3,000	3,000
	\$ 14,810	\$ 15,110
Section 28. TAX COMMISSION		
For Salary of Commissioners	\$ 9,900	\$ 9,900
Secretary, Clerks, Stenographers, Extra Help, Clerks, Inheritance Tax Department, Office Furniture, Stationery, Traveling Expenses and Other Incidentals, U. S. Land Office Fees, Etc. and Printing and Distribution of Revenue Taxation Laws	21,745	20,945
	\$ 31,645	\$ 30,845
Section 29. STATE BOARD OF AGRICULTURE		
Salary, Secretary	\$ 2,400	\$ 2,400
Per Diem, Mileage and Expense of Members, Custody and Care of Grounds, Clerk Hire, Station- ery and Policing Fair Grounds	11,750	11,750
Premiums	10,000	10,000
	\$ 24,150	\$ 24,150

Section 30. BOARD OF CHARITIES AND CORRECTIONS

Salaries	\$ 7,500	\$ 7,500
Expense of Secretary and Members	4,000	4,000
	<u>\$ 11,500</u>	<u>\$ 11,500</u>

Section 31. BOARD OF HEALTH

Salary, Superintendent	\$ 4,000	\$ 4,000
Salary, Employees and Administration Expense, Per Diem, Mileage and Expense of Members, Printing and Necessary Publications, Anti- toxin and Biological Products, Division of Medical Licensure, Division of Venereal Dis- eases, Division of Public Health Nursing	42,700	42,700
	<u>\$ 46,700</u>	<u>\$ 46,700</u>

Section 32. BOARD OF REGENTS

Salary, Regents	\$ 5,000	\$ 5,000
Expense, Members and Secretary	4,000	4,000
	<u>\$ 9,000</u>	<u>\$ 9,000</u>

Section 33. SOLDIERS' HOME BOARD

Per Diem and Expense of Members	\$ 1,800	\$ 1,800
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Section 34. WOMEN'S BOARD OF INVESTIGATION

Per Diem and Expense	\$ 3,600	\$ 3,600
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Section 35. COLLEGE OF AGRICULTURE AND MECHANIC ARTS

Salaries of President and Faculty and Maintenance	\$ 264,800	\$ 266,000
For Installation of Grates for Lignite, Together with Hand Stokers	1,200	
Dairy Commissioner	2,000	2,000
Sub-stations:		
Highmore	3,230	3,230
Eureka	3,230	3,230
Cottonwood	3,230	3,230
Vivian	3,230	3,230
Seed Testing	1,000	1,000
Popular Bulletins	1,500	1,500
Horticultural Society	1,000	1,000
Corn and Grain Association	1,500	1,500
Poultry Department	3,000	3,000
Animal Health Laboratory	7,500	7,500
State Entomologist	2,500	2,500
Agricultural Summer School	4,000	4,000
Dairymen's and Buttermakers' Association	800	800
Soil Survey	10,000	10,000
School of Pharmacy	2,500	2,500
General Repairs	8,000	8,000
Farm Engineering Equipment	5,000	2,500
Agricultural and Home Economics Extension	59,793	66,000
Supervision Work—41 Counties	69,700	69,700
Supervision Work—14 New Counties	23,800	23,800
Vocational Rehabilitation (Soldiers)	10,000	7,500
	<u>\$ 495,513</u>	<u>\$ 496,720</u>

Section 36. UNIVERSITY OF SOUTH DAKOTA

Salaries and Maintenance	\$ 269,400	\$ 271,000
For Installation of Lignite Grates and Hand Stokers	2,500	
Library	8,000	8,000
Geological Survey	15,000	15,000
General Repairs	8,000	8,000
Summer School	4,000	4,000
Extension Work	3,500	3,500
State Health Laboratory	10,000	10,000
College of Engineering Equipment	7,000	
	<u>\$ 327,400</u>	<u>\$ 319,500</u>

Section 37. SCHOOL OF MINES

Salaries and Maintenance	\$ 70,400	\$ 70,400
Library	1,500	1,500
Field Exploration	2,000	2,000
Repairs and Improvements	2,500	2,500
Mining Experiment Station	4,000	4,000
Campus Improvement	2,500	2,500
New Machinery and Apparatus	10,000	5,000
Furniture and Equipment, Etc.	15,000	
	<u>\$ 107,900</u>	<u>\$ 87,900</u>

Section 38. ABERDEEN NORMAL

Salaries and Maintenance	\$ 159,700	\$ 161,000
For Installation of Lignite Grates and Hand Stokers	1,300	
Summer School	6,000	6,000
Library	2,500	2,500
Extension Service	3,000	3,000
Improvements and Repairs	10,300	
	<u>\$ 182,800</u>	<u>\$ 172,500</u>

Section 39. MADISON NORMAL SCHOOL

Salaries and Maintenance	\$ 90,600	\$ 92,400
For Installation of Lignite Grates and Hand Stokers	1,800	
Extension Work	1,500	1,500
Library	1,500	1,500
Repairs	2,500	2,500
Equipment	2,500	2,500
	<u>\$ 100,400</u>	<u>\$ 100,400</u>

Section 40. SPEARFISH NORMAL SCHOOL

Salaries and Maintenance	\$ 87,400	\$ 87,400
Summer School	3,500	3,500
Repairs	3,500	
	<u>\$ 94,400</u>	<u>\$ 90,900</u>

Section 41. SPRINGFIELD NORMAL SCHOOL

Salaries and Maintenance	\$ 51,000	\$ 51,000
Summer School	3,000	3,000

Extension Work	1,000	1,000
Library	1,000	1,000
	<u>\$ 56,000</u>	<u>\$ 56,000</u>
Section 42. CUSTER SANATORIUM		
Salaries and Maintenance	\$ 80,000	\$ 80,000
Improvements and Repairs	7,500	7,500
	<u>\$ 87,500</u>	<u>\$ 87,500</u>
Section 43. HOSPITAL FOR INSANE		
Salaries and Maintenance	\$ 334,000	\$ 334,000
General Repairs	13,000	13,000
	<u>\$ 347,000</u>	<u>\$ 347,000</u>
Section 44. WATERTOWN HOSPITAL		
Expense	\$ 3,000	
Section 45. STATE PENITENTIARY		
Salaries and Maintenance	\$ 85,000	\$ 85,000
Improvements and Repairs	3,000	3,000
	<u>\$ 88,000</u>	<u>\$ 88,000</u>
Section 46. SOUTH DAKOTA SCHOOL FOR BLIND		
Salaries and Maintenance	\$ 19,500	\$ 19,500
Section 47. SCHOOL FOR DEAF		
Salaries and Maintenance	\$ 40,000	\$ 40,000
Improvements and Repairs	3,000	3,000
	<u>\$ 43,000</u>	<u>\$ 43,000</u>
Section 48. SCHOOL AND HOME FOR THE FEEBLE MINDED		
Salaries and Maintenance	\$ 128,000	\$ 130,000
For Installation of Lignite Grates and Hand Stokers	2,000	
Improvements and Repairs	10,000	10,000
	<u>\$ 140,000</u>	<u>\$ 140,000</u>
Section 49. STATE TRAINING SCHOOL		
Salaries and Maintenance	\$ 38,700	\$ 40,000
For Installation of Lignite Grates and Hand Stokers	1,300	
Improvements and Repairs	3,000	3,000
Library	1,000	500
	<u>\$ 44,000</u>	<u>\$ 43,500</u>
Section 50. SOLDIERS' HOME		
Salaries, Maintenance and Extra Nurse	\$ 106,500	\$ 106,500
Repairs and Painting	2,000	2,000
	<u>\$ 108,500</u>	<u>\$ 108,500</u>
Section 51. PAROLE OFFICER		
Salary of Parole Officer and Expense	\$ 4,000	\$ 4,000

Section 52. All amounts herein appropriated shall be used for the specific purpose herein mentioned and no other. Salaries of State officers shall be payable in equal monthly installments. Salaries of em-

ployees, where the amount appropriated is for a year, shall be paid in monthly installments, and no greater sum than one-twelfth of such amount shall be paid for any one month except with the written approval of the Governor. The State Auditor shall issue warrants on itemized and approved vouchers filed in his office, but no warrant shall be issued to or for any person, department or institution or any fund for any department in excess of the appropriation specially made herein, except as provided by the provisions of this Act or other Acts, or may be hereafter be provided by law.

Approved March 3, 1921.

CHAPTER 22.

(S. B. 258)

FOR M. A. ADAMS, ET AL.

AN ACT Entitled, An Act Appropriating Money to M. A. Adams and Albert Bock, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Twenty-three Dollars and Fifty Cents (\$23.50) as follows:

To M. A. Adams.....	\$14.50
To Albert Bock.....	9.00

Said moneys being hereby appropriated to compensate said M. A. Adams and Albert Bock for services to the state, same not having been heretofore paid for the reason that proper statements were not presented prior to the conclusion of the fiscal year.

Section 2. Whereas, this act is necessary for the immediate support of the state government and its existing public institutions, an emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1921.

CHAPTER 23.

(S. B. 259)

FOR AGRICULTURAL EXTENSION, ETC.

AN ACT Entitled, An Act to Re-appropriate Unexpended Funds for Statewide Agricultural and Home Economics Extension Work, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby re-appropriated the sum of Twelve Thousand Eight Hundred Five Dollars (\$12,805.00) to be used for statewide agricultural and home economics supervision, out of any unexpended portion of the sum of Twenty-seven Thousand Eight Hundred Five Dollars (\$27,805.00) appropriated by the state legislature in

the special session of June, 1920, "For agricultural and home economics extension work under code sections 7951 to 7963, to provide increase in Thirty-nine (39) counties and for Ten (10) new counties."

Section 2. Whereas, the sum hereby re-appropriated is unavailable for statewide work by reason of an error in the wording of the act of appropriation and said work is necessary for the support of the state government and its existing institutions, an emergency is hereby declared to exist and this act shall be in force and effect from and after its passage and approval.

Approved February 28, 1921.

CHAPTER 24.

(S. B. 277)

FOR ASSESSMENT, ARMSTRONG COUNTY.

AN ACT Entitled, An Act Appropriating Money from the Funds of Armstrong County Unorganized to Pay F. P. Carlisle for Use of Car in Assessing Said County, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated from the funds of Armstrong County Unorganized the sum of Fifty Dollars (\$50.00) to pay F. P. Carlisle for use of Car in assessing said Armstrong County Unorganized. Said money shall be paid out by warrant drawn by the State Auditor upon vouchers approved as provided by law in the case of unorganized counties.

Section 2. Whereas, this act is necessary for the immediate support of the state government and its existing public institutions, an emergency is hereby declared to exist and this act is declared to be in force and effect from and after its passage and approval.

Approved March 2, 1921.

CHAPTER 25.

(H. B. 173)

FOR ASSESSMENT, SHANNON COUNTY.

AN ACT Entitled, An Act Appropriating Money to Pay the Claims of Fall River County, for Assessing Shannon County for the Year 1920.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of One Hundred and Two Dollars (\$102.00) to pay the claim of Fall River County for Assessing Shannon County for the year 1920, subject to filing itemized statement covering the same in the State Auditor's office.

Section 2. Whereas, this Act is necessary for the support of the State and its existing institutions, an emergency is hereby declared to exist, and this act shall be in force and effect from and after its passage and approval.

Approved March 1, 1921.

CHAPTER 26.

(S. B. 344)

FOR ATTORNEY GENERAL'S OFFICE.

AN ACT Entitled, An Act Appropriating Additional Funds for Salaries of Assistants and Employes in the Office of the Attorney General.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. The sum of \$1,605.00 for the fiscal year commencing July 1, 1921 and the sum of \$1,615.00 for the fiscal year commencing July 1, 1922, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated as additional funds for salaries of assistants and employes in the office of the Attorney General and same shall be paid out by warrant on the State Treasurer upon itemized vouchers approved by the Attorney General.

Approved March 4, 1921.

CHAPTER 27.

(S. B. 261)

FOR STATE DEPARTMENTS OUTSIDE OF CAPITOL.

AN ACT Entitled, An Act Appropriating Money for Rental, Maintenance and General Incidentals for Certain Departments of the State Government.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Three Thousand Dollars (\$3,000.00), or so much thereof as may be necessary, to be expended by the Custodian of the Capitol Building grounds for rentals, heating, lighting, maintenance, and general incidentals for certain departments of the state government which cannot be longer accommodated in the Capitol Building, said fund hereby appropriated shall be available throughout the next biennium and until June 30, 1923.

Approved March 10, 1921.

CHAPTER 28.

(S. B. 308)

FOR STATE CAPITOL GROUNDS.

AN ACT Entitled, An Act Amending Chapter 103, Session Laws of 1917, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Chapter 103, Session Laws of 1917, be amended to read as follows:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Twenty Thousand Dollars (\$20,000.00), to be expended by the State Capitol Commission as follows:

For the purchase of Lots 1, 2, 8, and 9 and the east half of Lot 7, Block 26, Fourth Railway Addition to the City of Pierre, and also Lots 19, 20, 21, 22, 23, and 24, Block 25 in said Fourth Railway Addition to the City of Pierre, said lots being necessary to the completion of the improvements to the Capitol Grounds; provided that no greater sum than Nine Thousand Five Hundred Dollars (\$9,500.00) shall be paid for the purchase of said lots, and provided further that said Capitol Commission is hereby empowered to exercise the right of eminent domain in the purchase of said land. That the remainder of said appropriation shall be expended for improvements to the State Capitol Grounds.

Section 2. An Emergency is hereby declared to exist and this act shall be in force and effect from and after its passage and approval.

Approved March 11, 1921.

CHAPTER 29.

(S. B. 289)

FOR CHILD WELFARE COMMISSION.

AN ACT Entitled, An Act Appropriating Money for the Child Welfare Commission.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Three Thousand Dollars (\$3,000.00), or so much thereof as may be necessary, for the use of the Child Welfare Commission during the biennial period ending June 30, 1923, to be paid upon the warrant of the State Auditor issued upon vouchers duly approved by the Superintendent of Public Instruction.

Approved March 10, 1921.

CHAPTER 30.

(S. B. 279)

FOR CIVILIAN REHABILITATION.

AN ACT Entitled, An Act Appropriating Money for Civilian Rehabilitation.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Whereas, the Federal Government has heretofore made certain appropriations for the purpose of civilian rehabilitation provided the state meet the share apportioned it with a like amount and the Governor has accepted same on behalf of South Dakota, and whereas, the sum apportioned to South Dakota is Five Thousand

Dollars, (\$5,000.00) per year. Wherefore, there is hereby appropriated out of moneys in the State Treasury, not otherwise appropriated, the sum of Ten Thousand Dollars (\$10,000.00), Five Thousand Dollars (\$5,000.00) to be available during the fiscal year 1921-22 and Five Thousand Dollars (\$5,000.00) during the fiscal year 1922-23, or so much thereof as may be necessary, for civilian rehabilitation, to be paid upon warrants of the State Auditor issued upon vouchers approved by the Superintendent of Public Instruction.

Approved March 2, 1921.

CHAPTER 31.

(H. B. 157)

FOR RELIEF OF CIVIL WAR VETERANS, THEIR WIVES AND WIDOWS.

AN ACT, Entitled, An Act Appropriating Money for the Relief of Veterans of the Civil War, Their Wives and Widows, Physically Unable to Go to the Soldiers' Home, Hot Springs, South Dakota.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of Thirteen Thousand Five Hundred Dollars (\$13,500.00) or so much thereof as may be necessary, for the fiscal year ending June 30, 1922, and Thirteen Thousand Five Hundred Dollars (\$13,500.00) or as much thereof as may be necessary, for the fiscal year ending June 30, 1923, to be expended by the State Board of Managers of the Soldiers' Home as follows:

Twelve Thousand Dollars (\$12,000.00) shall be available each year for the two fiscal years hereinbefore set forth, for the relief and care of veterans of the civil war, their wives and widows residing in this State, who are, by reason of sickness or disability, not in a condition to be taken to the State Soldiers' Home, Hot Springs, South Dakota for care and treatment.

Five Hundred Dollars (\$500.00) shall be available each year for the two fiscal years hereinbefore set forth, for clerical work, postage and stationery necessary for the distribution of the Relief Fund herein appropriated.

One Thousand Dollars (\$1,000.00) shall be available each year for the two fiscal years hereinbefore set forth for the purpose of providing assistance, clerical work, books, postage and stationery necessary for the purpose of keeping a permanent record of the proceedings of the South Dakota Department of the Grand Army of the Republic.

Section 2. The State Board of Managers of the Soldiers' Home is hereby empowered to make all necessary rules and regulations for the administration and use of the funds appropriated by this Act.

Approved March 1, 1921.

CHAPTER 32.

(H. B. 152)

FOR COAL MINING COMMISSION.

AN ACT Entitled, An Act Appropriating Money for the Expenses of the Coal Mining Commission, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. For the necessary support of the State Coal Mining Commission and for the prosecution of the business entrusted to that Commission there is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of eighteen thousand dollars (\$18,000.00). The moneys hereby appropriated shall be available immediately and at all times until used, and shall be paid out by the State Auditor by warrants drawn on the State Treasurer on requisitions or vouchers made and approved by said commission.

Section 2. Whereas this Act is necessary for the immediate support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1921.

CHAPTER 33.

(S. B. 345)

FOR COAL MINING COMMISSION.

AN ACT Entitled, An Act Appropriating Money for the Expenses of the Coal Mining Commission, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. For the necessary support of the State Coal Mining Commission and for the prosecution of the business entrusted to that Commission there is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of Seventeen Thousand Dollars (\$17,000.00). The moneys hereby appropriated shall be available immediately and at all times until used, and shall be paid out by the State Auditor by warrants drawn on the State Treasurer on requisitions or vouchers made and approved by said Commission.

Section 2. Whereas, this Act is necessary for the immediate support of the State government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1921.

CHAPTER 34.

(S. B. 170)

CONSOLIDATING AND RE-APPROPRIATING CERTAIN FUNDS.

AN ACT Entitled, An Act Consolidating and Re-appropriating Certain of the Building and Equipment Funds of the Madison State Normal School, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That the unexpended balances remaining in the East Hall Fire Escape Fund, the East Hall Stairway Fund, and the East Wing Fire Escape Fund of the Madison State Normal School, be and the same are hereby consolidated into a single fund and are hereby re-appropriated for the purposes of constructing a stairway exit and of making necessary repairs and redecorations for the auditorium of said institution and for the purposes of building partitions and making repairs for the business office and of providing equipment for the executive office of the institution. Such funds shall be paid out upon properly itemized vouchers in like manner as the several consolidated funds were payable.

Section 2. Whereas, this Act is necessary for the immediate support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1921.

CHAPTER 35.

(S. B. 288)

FOR LANDS, CUSTER STATE PARK.

AN ACT Entitled, An Act Appropriating Money for the Deferred Payments on Certain Lands Purchased by the State in the Custer State Park,

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of fifty four thousand seven hundred and fifty dollars (\$54,750.00), or so much thereof as may be necessary to make the payments due on certain lands purchased in the Custer State Park, due as follows:

January 1st, 1922	\$27,650.00
January 1st, 1923	\$27,100.00

Being three per cent of the purchase price and interest at five per cent (5%) on balance due on contract for each year. Said lands having been school indemnity land purchased in December, 1920.

Approved March 8, 1921.

CHAPTER 36.

(S. B. 278)

FOR CUSTER STATE PARK.

AN ACT Entitled, An Act Appropriating Money for the Use of the Park Board as Provided in Chapter 165, Session Laws of 1919.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated for the use of the Park Board in carrying out the provisions of Chapter 165, Session Laws of 1919, the unexpended balance of the fund appropriated by said chapter, said fund hereby appropriated to be available during the next biennium, ending July 1, 1923.

Approved March 2, 1921.

CHAPTER 37.

(H. B. 360)

FOR DEPARTMENT OF AGRICULTURE.

AN ACT Entitled, An Act Appropriating Money for the Department of Agriculture.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of \$30,000 to be expended by the Department of Agriculture in making the survey of the cost of production of farm products as authorized by Section 4 of Senate Bill 162 introduced at the Seventeenth Session of the Legislature. The money hereby appropriated shall be expended by the State Treasurer upon warrants of the State Auditor issued upon verified vouchers approved by the Commissioner of Agriculture and by the Governor. The money appropriated by this section shall be available during the biennial period ending June 30, 1923.

Section 2. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of \$25,000 to be expended by the Department of Agriculture to promote and encourage better production methods, improve transportation, increase storage and credit facilities and open markets for agricultural production and to assist in organizing primary, centralized or terminal co-operative selling agencies for agricultural products as authorized by section 3 of Senate Bill No. 162 passed by the Seventeenth Session of the Legislature. The funds appropriated by this section shall be available during the biennial period ending June 30, 1923 and shall be expended by the State Treasurer upon warrant of the State Auditor issued only upon verified vouchers approved by the Commissioner of Agriculture and by the Governor.

Section 3. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of \$12,000 for representation of the Commissioner of Agriculture at Washington, D. C. as authorized by section 5 of Senate Bill No. 162 passed by the

Seventeenth Session of the Legislature. \$6,000 thereof shall be available during the fiscal year ending June 30, 1922 and \$6,000 thereof shall be available during the fiscal year ending June 30, 1923. The money appropriated by this section shall be expended by the State Treasurer upon warrant of the State Auditor issued only upon vouchers approved by the Commissioner of Agriculture and by the Governor.

Approved March 8, 1921.

CHAPTER 38.

(H. B. 158.)

FOR DEPARTMENT OF MARKETING.

AN ACT Entitled, An Act Appropriating Money to Pay Claim of the Dakota Central Telephone Company, Watertown Exchange, for the Department of Markets.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of the Expense Fund of the Marketing Department the sum of twenty-one and 55/100 dollars (\$21.55.), or so much thereof as may be necessary, to the Dakota Central Telephone Company, Watertown Exchange, for the Department of Markets, said claim not having been paid heretofore for the reason that it was not filed prior to the time that the funds appropriated for said purpose had reverted to the General Fund.

Section 2. Whereas, this Act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved February 16, 1921.

CHAPTER 39.

(S. B. 341.)

FOR DEPARTMENT OF MARKETING.

AN ACT Entitled, An Act Appropriating Money for the Expenses of the Department of Marketing for the Fiscal Year Ending June 30, 1921, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, the sum of one thousand eight hundred (\$1,800.00) dollars, or so much thereof as may be necessary, for deficiency in the expenses of the Department of Marketing for the fiscal year ending June 30, 1921.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1921.

CHAPTER 40.

(S. B. 293.)

FOR EFFICIENCY SURVEY, STATE INSTITUTIONS AND DEPARTMENTS.

AN ACT Entitled, An Act Appropriating Money for the Purpose of Making an Efficiency Survey of the State Institutions and Departments, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of twenty-five thousand dollars (\$25,000.00), or so much thereof as may be necessary, for the purpose of making an efficiency survey of the State institutions, departments, and commissions, said sum to be available until such time as the purpose above recited shall have been fulfilled. The State Auditor shall issue warrants on the State Treasurer and the State Treasurer is hereby authorized to pay same, said warrants to be drawn on vouchers which have been approved by the Governor.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1921.

CHAPTER 41.

(H. B. 234.)

FOR DEFICIENCY, FOOD AND DRUG DEPARTMENT.

AN ACT Entitled, An Act Appropriating Money for Deficiency in Salary and Expense of Inspectors, Food and Drug Department, for the Fiscal Year Ending June 30, 1921.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of three thousand (\$3,000.00) dollars, or so much thereof as may be necessary, for deficiency in salary and expense of Inspectors in Food and Drug Department, for the fiscal year ending June 30, 1921.

Section 2. Whereas, this Act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist, and this Act shall be in force and effect after its passage and approval.

Approved March 1, 1921.

CHAPTER 42.

(H. B. 311.)

FOR DEFICIENCY, FOOD AND DRUG DEPARTMENT.

AN ACT Entitled, An Act Appropriating Money for Deficiency in Salary of Employees and Expense, Food and Drug Department, for the Fiscal Year Ending June 30th, 1921.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of two thousand dollars (\$2,000.00), or so much thereof as may be necessary, for deficiency in salary of employees and expense, for the Food and Drug Department for the fiscal year ending June 30th, 1921.

Section 2. Whereas, this Act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist, and this Act shall be in force and effect from its passage and approval.

Approved March 2, 1921.

CHAPTER 43.

(H. B. 356.)

FOR GREAT LAKES-ST. LAWRENCE TIDEWATER ASSOCIATION.

AN ACT Entitled, An Act Appropriating Money to the Great Lakes-St. Lawrence Tidewater Association for the Purpose of Furthering the Connection Between the Atlantic Ocean and the Great Lakes.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of four thousand dollars (\$4,000.00), or so much thereof as may be necessary, for the purpose of promoting the connection by water between the Atlantic Ocean and Great Lakes, two thousand four hundred dollars (\$2,400.00) to be available during the fiscal year 1921-1922 and one thousand six hundred dollars (\$1,600.00) to be available during the fiscal year 1922-1923, to be expended under the direction of the Governor.

Section 2. The State Auditor is hereby authorized and directed to issue warrants upon the above appropriation upon itemized vouchers approved by the Governor, and the State Treasurer is hereby authorized to pay the same.

Approved March 11, 1921.

CHAPTER 44.

(H. B. 113.)

FOR LEGISLATIVE EXPENSE, SPECIAL SESSION 1920.

AN ACT Entitled, An Act to Pay the Mileage of the Chief Clerk of the House and the Secretary of the Senate and Other Officers and Employes of the House and Senate for Their Attendance at the 1920 Special Session of the South Dakota State Legislature, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of the General Fund of the State not otherwise appropriated, the sum of two hundred eighty-six and 15/100 (\$286.15) dollars to pay the mileage of the Chief Clerk of the House and the Secretary of the Senate and other officers and employees of the House and Senate for attendance at the 1920 Special Session, as follows:

Wright Tarbell, Chief Clerk	\$ 21.60
A. B. Blake, Secretary	11.90
C. S. Ashton, First Ass't Secretary, Senate 456	22.80
J. D. Crans, Sergeant at Arms, Senate 430	22.90
Walter Travis, Second Ass't Secretary, Senate 472	23.60
Elvira Braten, Stenographer, Senate 144	7.20
G. E. Mackey, Postmaster, 430	21.50
C. W. Schulze, Ass't Chief Clerk, House, 432	21.60
R. J. Van Abel, Ass't Chief Clerk, House 336	16.80
Mae E. Hanson, Bill Clerk, House 448	22.40
C. A. B. Fox, Sergeant at Arms, House 464	23.20
Grace Hanson, Proof Reader, House 525
H. W. Gardner, Engrossing Chief, House 238	11.90
J. H. Perry, Ass't Sergeant at Arms, House 664	33.20
Goldie Wells, Stenographer, House 506	25.30
	<hr/>
	\$286.15

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved February 16, 1921.

CHAPTER 45.

(H. B. 334.)

FOR DEFICIENCY, LEGISLATURE, SPECIAL SESSION 1920.

AN ACT Entitled, An Act Appropriating Money for Deficiency in Paying Certain Items at the 1920 Special Session of the Legislature of the State of South Dakota.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of one hundred and

twenty-two (\$122.00) dollars, or so much thereof as may be necessary, for deficiency in the expenses of the 1920 Special Session of the Legislature of the State of South Dakota:

To per diem of various members of the Senate, paid by emergency warrants	\$60.00
To per diem of the employees of the House, paid by emergency warrants	32.70
To mileage of Wm. Bessler, Representative, paid by emergency warrant	26.30
To Rev. H. H. Gunderson, Chaplain of the House	3.00

Section 2. Whereas, this Act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect after its passage and approval.

Approved March 2, 1921.

CHAPTER 46.

(H. B. 42.)

APPROPRIATION FOR LEGISLATIVE EXPENSES, 1921.

AN ACT Appropriating Money for the Per Diem and Mileage and Salary of the President and Members of the Senate and House of Representatives of the Seventeenth Legislature of the State of South Dakota, and for the Secretary of the Senate and Chief Clerk of the House of Representatives and for the Per Diem of the Officers and Sub-employees of Both Branches of the Legislature, and for Rental of Typewriters for the Seventeenth Session, Legislative Supplies, and for Expenses Incurring During the Legislative Session for Extra Janitors, Engineers, Firemen, Elevator Operators, Etc., Also for Additional Pay to Regular Force and for Supplies and Other Incidentals for the Seventeenth Session, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of the General Fund of the State the following sum for the purpose of paying the per diem and mileage and salaries of the president and members of the Senate and House of Representatives of the Seventeenth Legislature of the State of South Dakota, and for the Secretary of the Senate and the Chief Clerk of the House of Representatives, and for the per diem of the officers and sub-employees of both branches of the Legislature and for rental of typewriters and legislative supplies, \$71,700.00; and for expenses incurring during the Legislative Session for extra janitors, engineers, firemen, elevator operators, etc., also for additional pay to regular force, and for supplies and other incidentals for the Seventeenth Session of the Legislature, \$8,300.00.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing institutions an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved January 18, 1921.

CHAPTER 47.

(S. B. 346.)

FOR EXTRA LEGISLATIVE EXPENSE, 1921 SESSION.

AN ACT Entitled, An Act Appropriating Money for the Per Diem and Mileage and Salary of the President and Members of the Senate and House of Representatives of the Seventeenth Legislature of the State of South Dakota, and for the Secretary of the Senate and Chief Clerk of the House of Representatives, and for the Per Diem of the Officers and Sub-employees of Both Branches of the Legislature, for Expense of Investigation of State Departments and Institutions, and for Rental of Typewriters for the Seventeenth Session, Legislative Supplies, and for Expenses Incurring During the Legislative Session for Extra Janitors, Engineers, Firemen, Elevator Operators, Etc., Also for Additional Pay to Regular Force and for Supplies and Other Incidentals for the Seventeenth Session.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of the General Fund of the State the following sum for the purpose of paying the per diem and mileage and salaries of the President and members of the Senate and House of Representatives of the Seventeenth Legislature of the State of South Dakota, and for the Secretary of the Senate and the Chief Clerk of the House of Representatives, and for the per diem of the officers and sub-employees of both branches of the Legislature, and for rental of typewriters and legislative supplies, and for expenses incurring during the Legislative Session, for the expense of investigation of State Departments and Institutions, for extra janitors, engineers, firemen, elevator operators, etc., also for additional pay to regular force, and for supplies and other incidentals for the Seventeenth Session of the Legislature, five thousand dollars (\$5,000.00), or so much thereof as may be necessary.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1921.

CHAPTER 48.

(S. B. 264.)

FOR LEGISLATIVE PRINTING, BINDING, ETC.

AN ACT Entitled, An Act to appropriate Money for Printing and Binding Reports of State Officers and Boards for the Fiscal Years of 1921 and 1922, Printing and Binding Daily and Permanent House and Senate Journals, House and Senate Bills for the Seventeenth Legislative Session of the State of South Dakota, Printing and Binding Governor's Message, Governor's Inaugural Address, Legislative Manuals, Hand Books, Session Laws, Public Documents, Advertising for Bids for Public Printing and Such Other Printing and Binding as May be Ordered by the Seventeenth Legislative Session of the State of South Dakota and Expenses of Distributing Such Documents, Supreme Court Reports, Codes, Legislative Manuals, Hand Books Journals and Session Laws and for Such Other Publications Ordered by the Seventeenth Session of the Legislature of the State of South Dakota, to be Distributed, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of the General Fund of the State of South Dakota, the sum of fifty thousand (\$50,000.00)

dollars, or so much thereof as may be necessary, for the purpose of printing and binding the reports of the State Officers and Boards for the fiscal years ending June 30, 1921, and June 30, 1922, printing and binding daily and permanent House and Senate Journals, House and Senate Bills of the Seventeenth Legislative Session of the State of South Dakota, printing and binding the Governor's Message, Governor's Inaugural Address, Legislative Manuals, Hand Books, Session Laws, Public Documents, advertising for bids for public printing and distributing of same and binding as may be ordered by the Seventeenth Legislative Session of the State of South Dakota.

Section 2. The State Auditor shall issue warrants to pay for the expenditure above provided for upon the filing of properly itemized vouchers certified to by the printing commissioner.

Section 3. Whereas, this Act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved February 28, 1921.

CHAPTER 49.

(H. B. 172.)

FOR LEGISLATIVE PORTRAITS.

AN ACT Entitled, An Act for Appropriating Money for Robert L. Kelley.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of one hundred (\$100.00) dollars for legislative group portrait of the Senate also legislative group portrait of the members of the House for the Session of 1921. Such sum to be paid upon vouchers approved by the superintendent of the Capitol.

Approved March 1, 1921.

CHAPTER 50.

(H. B. 231.)

FOR EXPENSE OF MEMBERS OF LEGISLATURE.

AN ACT Entitled, An Act Appropriating Money to Provide for Payment of the Expense of the Members of the Legislature While Absent from the Place of Their Legal Residence in the Discharge of Their Duties as Such Members of the Legislature and to Provide for an Allowance to Such Members of the Legislature When They Live at the State Capitol During the Regular Session of the Legislature.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That there is hereby appropriated out of the moneys in the State Treasury, not otherwise appropriated, the sum of twenty-nine thousand (\$29,000.00) dollars to provide for payment of expenses of the members of the legislature while absent from the place of their legal residence in the discharge of their duties as such members of the Legis-

lature and to provide for an allowance to such members of the Legislature when they live at the State Capital during the regular session of the Legislature, pursuant to an Act of the Legislature at this Session, approved the 31st day of January 1921.

Section 2. That the funds hereby appropriated shall be available at the close of the present legislative session.

NOTE BY THE SECRETARY OF STATE: The foregoing Act, having been presented to the Governor of this State for his approval, and not having been returned by him to the House of the Legislature in which it originated, or to the Secretary of State with his objections, within the time prescribed by the Constitution, has become a law without his approval.

C. A. BURKHART,
Secretary of State.

CHAPTER 51.

(H. B. 214.)

FOR REPAIRS, MADISON NORMAL.

AN ACT Entitled, An Act Appropriating Money to Repair East Hall for the State Normal School, Madison, South Dakota.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of twenty-five (\$25,000.00) dollars, to be expended by the State Board of Regents of Education to repair East Hall at the State Normal School at Madison, South Dakota.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1921.

CHAPTER 52.

(S. B. 196.)

FOR DISTRIBUTION OF MOTOR VEHICLE FUND.

AN ACT Entitled, An Act to Provide for the Distribution Among the Several Counties of the State the Money Accumulated in the State Treasury Belonging to the Motor Vehicle Fund.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. It shall be the duty of the State Auditor to apportion among the several counties of the State the money accumulated in the State Treasury from fees collected by the Secretary of State on account of license fees viz. motor vehicles amounting to \$15,914.17. The State Auditor shall apportion to the several counties of the State in proportion

to the number of licenses issued within such county compared with the whole number of licenses issued within the State. And, hereafter the State Auditor shall apportion such funds as above provided at the close of each fiscal year.

Approved March 2, 1921.

CHAPTER 53.

(H. B. 151.)

FOR CLAIM OF ALBERT NIEUWENHUIS.

AN ACT Entitled, An Act Appropriating Money for the Payment of the Claim of Albert Nieuwenhuis, et al to Cover Claim for Costs in Case of State of South Dakota vs. Albert Nieuwenhuis, et al.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of one hundred and twenty-six (\$126.00) dollars, to cover claim for costs in case of State of South Dakota vs. Albert Nieuwenhuis for costs in case of State of South Dakota vs. Albert Nieuwenhuis et al, same being based on certificate of Supreme Court.

Section 2. Whereas, this Act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved March 1, 1921.

CHAPTER 54.

(H. B. 189.)

FOR DEFICIENCY, NORTHERN NORMAL.

AN ACT Entitled, An Act Appropriating Money for Deficiency in Maintenance, Northern Normal and Industrial School, Aberdeen, South Dakota, for the Fiscal Year Ending June 30th, 1921.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of twenty thousand (\$20,000.00) dollars, or so much thereof as may be necessary, for deficiency in maintenance at the Northern Normal and Industrial School, Aberdeen, South Dakota, for the fiscal year ending June 30th, 1921.

Section 2. Whereas, this Act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist, and this Act shall be in force and effect upon its passage and approval.

Approved February 21, 1921.

CHAPTER 55.

(S. B. 187.)

FOR TRANSPORTATION OF CONVICTS TO PENITENTIARY.

AN ACT Entitled, An Act Appropriating Money for the Conveyance of Convicts to the Penitentiary.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of fifteen thousand (\$15,000.00) dollars, or so much thereof as may be necessary, to pay for the conveyance of convicts to the State Penitentiary. The funds hereby appropriated shall be available for the purpose authorized by this Act until June 30, 1923.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act is declared to be in force and effect from and after its passage and approval.

Approved February 24, 1921.

CHAPTER 56.

(S. B. 188.)

FOR TRANSPORTATION OF CONVICTS TO PENITENTIARY.

AN ACT Entitled, An Act Appropriating Money for Conveying Thomas Big Mane to the State Penitentiary.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of seventy-seven dollars and fifty-three cents, to be paid to Thomas Douglas for conveying Thomas Big Mane from Corson County to the State Penitentiary.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act is declared to be in force and effect from and after its passage and approval.

Approved February 24, 1921.

CHAPTER 57.

(S. B. 228.)

FOR CONVEYANCE OF CONVICTS TO PENITENTIARY.

AN ACT Entitled, An Act Appropriating Money for the Conveyance of Convicts to the Penitentiary, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of three hundred eighty-seven dollars and thirty-five cents (\$387.35, or so much thereof as may be necessary, to pay for the conveyance of convicts to the penitentiary during the fiscal year ending June 30, 1920, and the claim of Dudley Martin in the amount of eighty-two dollars and sixty-five cents (\$82.65), incurred during the fiscal year ending June 30, 1919, which were not presented prior to the date on which the balance in the fund previously appropriated for that purpose reverted to the State Treasury.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act is declared to be in force and effect from and after its passage and approval.

Approved March 2, 1921.

CHAPTER 58.

(S. B. 184.)

FOR PORTRAIT EX-GOVERNOR BYRNE.

AN ACT Entitled, An Act Appropriating Money for the Purchase of a Portrait of Former Governor, Frank M. Byrne.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of two hundred fifty (\$250.00) dollars, to be paid to Charles T. Greener for Portrait of Former Governor Frank M. Byrne.

Approved February 28, 1921.

CHAPTER 59.

(S. B. 263.)

FOR PRESIDENTIAL ELECTORS.

AN ACT Entitled, An Act Appropriating Money to Defray the Expense of Presidential Electors in Attending the Meeting at Pierre, January 10, 1921, in Accordance With the Constitutional Provision Therefor, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of sixty dollars and thirty-five cents (\$60.35), or so much thereof as may be necessary, for the purpose of defraying the expense of Presidential Electors for attending the meeting of Presidential Electors held in Pierre on January 10, 1921, according to the constitutional provision therefor.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act is declared to be in force and effect from and after its passage and approval.

Approved February 28, 1921.

CHAPTER 60.

(H. B. 148.)

FOR DEFICIENCY, RICHARDS PRIMARY LAW.

AN ACT Entitled, An Act Appropriating Money for Compensation and Expenses of Party Officers and Candidates Under the Richards Primary Law.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of one thousand (\$1,000.00) dollars, or so much thereof as may be necessary, for the payment of mileage and compensation of the party State Central Committeemen, including its chairman, secretary and National Committeemen, incurred in meeting at the State Capital in December, 1920, under the provisions of Section 7156, Revised Code of 1919, and for the further purpose of paying compensation and expenses to those candidates who engage in joint debates under the provisions of the Richards Primary Law, such compensation shall be made to such persons in the amounts to which they are entitled under the provisions of said primary law.

Section 2. Whereas, this Act is necessary for the support of the State and its existing institutions, an emergency is hereby declared to exist, and this Act shall be in force and effect after its passage and approval.

Approved March 1, 1921.

CHAPTER 61.

(S. B. 336.)

FOR OPERATION, RICHARDS PRIMARY LAW.

AN ACT Entitled, An Act Appropriating Money to Pay the Operating Expense of the Richards Primary Law.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$14,500, or so much thereof as may be necessary, to pay the operating expense of the Richards Primary Law during the fiscal years 1921-22 and 1922-23. Said funds shall be paid on warrants drawn by the State Auditor upon the State Treasurer upon vouchers approved by the Secretary of State.
Approved March 8, 1921.

CHAPTER 62.

(H. B. 271.)

FOR RURAL SCHOOL BUILDING PLANS.

AN ACT Entitled, An Act Appropriating Money to Provide Plans for Rural School Buildings, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of two thousand (\$2,000.00) dollars, for the purpose of providing plans and specifications of one-room and two-room rural school buildings. Blue print copies of these plans shall be furnished by the Superintendent of Public Instruction free of charge to school officers upon application through the County Superintendent of Schools of the several counties of the State. The funds herein appropriated shall be paid out on warrants drawn by the State Auditor upon vouchers approved by the Superintendent of Public Instruction.

Section 2. Whereas, this Act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist, and this Act shall be in force and effect after its passage and approval.

Approved March 12, 1921.

CHAPTER 63.

(H. B. 191.)

FOR SCHOOL AND PUBLIC LANDS.

AN ACT Entitled, An Act Appropriating Money to Pay for An Indian Allotment Erroneously Sold and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of two thousand two hundred (\$2,200.00) dollars, for the purchase of the Northeast Quarter of the Northwest Quarter of Section Sixteen (16), Township one hundred eighteen (118) Range fifty-two (52) West of the Fifth Principal Meridian, lying in the Sisseton Wahpeton Indian Reservation, erroneously sold by the Commissioner of School and Public Lands in 1901, said error having been caused through a mistake of the Bureau of Indian Affairs of the United States Department of the Interior, in failing to notify the Department of School and Public Lands of the State of South Dakota that the above described real estate had been allotted to George Renville to correct a previous error in allotment No. 1326, Sisseton and Wahpeton Indian Reservation.

Section 2. The State Auditor is hereby authorized to issue warrants on the above appropriation on vouchers approved by the Commissioner of School and Public Lands, and the State Treasurer is hereby authorized to pay the same.

Section 3. Whereas, this Act is necessary for the support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall take effect on and after its passage and approval.

Approved March 1, 1921.

CHAPTER 64.

(S. B. 180.)

FOR ADVERTISING, COMMISSIONER OF SCHOOL AND PUBLIC LANDS.

AN ACT Entitled, An Act Appropriating Money to Pay for Advertising Notices Published by the Commissioner of School and Public Lands, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of one dollar and fifty cents (\$1.50) for the Agar Enterprise and four dollars and seventy-five cents (\$4.75) for the Mobridge Tribune, making a total of six dollars and twenty-five cents (\$6.25), or so much thereof as may be necessary, for the purpose of paying the claims of said newspapers for notices published under the direction of the Commissioner of School and Public Lands.

Section 2. Whereas, this Act is necessary for the immediate sup-

Laws—12.

port of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act is declared to be in force and effect from and after its passage and approval.

Approved February 24, 1921.

CHAPTER 65.

(S. B. 257.)

FOR DRAINAGE, SCHOOL LANDS.

AN ACT Entitled, An Act to appropriate Money to Pay for Drainage Affecting Common School Lands, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of the General Fund from any money not otherwise appropriated, the sum of four hundred seven dollars and fifty-six cents (\$407.56), or so much thereof as may be necessary, to pay for drainage projects affecting Common School Lands, and for costs incurred in connection therewith, in Sanborn County, said land being particularly described as follows: The SE $\frac{1}{4}$ NE, NE $\frac{1}{4}$ NE, NE $\frac{1}{4}$ SE, SE $\frac{1}{4}$ SE, Sec. 36-105-61.

Section 2. There being no funds available with which to pay for drainage projects across school lands, and this act being necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1921.

CHAPTER 66.

(H. B. 370)

FOR DEFICIENCY, COMMISSIONER OF SCHOOL AND PUBLIC LANDS.

AN ACT Entitled, An Act Appropriating Money to Pay for Advertising Notice Published by the Commissioner of School and Public Lands, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of Sixteen and No-100 Dollars (\$16.00) for the Daily Argus Leader for the purpose of paying the claims of said newspaper for notice published under the direction of the Commissioner of School and Public Lands during the month of February, 1920.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act is declared to be in force and effect from and after its passage and approval.

Approved March 12, 1921.

CHAPTER 67.

(S. E 74)

IN AID OF COMMON SCHOOLS.

AN ACT Entitled, An Act to appropriate Money in Aid of the Common Schools of This State.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of the general fund of the State of South Dakota, the sum of Twenty Thousand Dollars (\$20,000.00) for the fiscal year ending June 30th, 1922, and Twenty Thousand Dollars (\$20,000.00) for the fiscal year ending June 30th, 1923 in aid of the common schools of this state.

Section 2. The amount so appropriated shall be annually divided among and distributed to the several counties of this state for the use and benefit of and in aid of the common schools thereof, and the county treasurer of each county receiving such aid shall re-divide and re-distribute the same to and for the use and benefit of the common, or consolidated schools of his county, in proportion to the acreage of indemnity and endowment lands owned by this state in each respective school district situated therein; Provided, that the amounts received by any school district in any year shall not exceed the equivalent of four cents per acre for each and every acre of state owned indemnity and endowment lands, situated within such school district. Provided that such aid shall not be granted to any such district that has not in the previous year made a school levy of at least 4 mills. In no case shall said aid together with said levy and apportionment exceed the amount used for school purposes in the district during the year for which said aid is granted, and provided, further, that said state aid shall in no case exceed one half the total cost of running the school. Money used for building school houses or purchase of ground is not to be taken into consideration.

Section 3. It shall be the duty of the Commissioner of School and Public Lands to supply to the several County Auditors of this state, the description of all unsold state Indemnity and Endowment Lands, situated within the organized school districts of his county.

Section 4. The State Auditor is hereby authorized to issue warrants on the above appropriation on vouchers approved by the Commissioner of School and Public Lands, and the State Treasurer is authorized to pay the same.

Approved February 25, 1921.

CHAPTER 68.**(H. B. 129)**

**AUTHORIZING PAYMENT OUT OF FUND APPROPRIATED BY CHAPTER 49,
LAWS 1919.**

AN ACT Entitled, An Act to Authorize the Payment of State Aid to Baker School District Number 39 of Davison County.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Baker School District Number 39 of Davison County, South Dakota, having become entitled to one hundred fifty (\$150.00) Dollars out of the funds appropriated by Chapter 49, Laws of 1919, for the fiscal year ending June 30, 1920, and the school officers of said school district having inadvertently failed to file proper vouchers for the payment of said money prior to the expiration of said fiscal year, the State Auditor is hereby authorized and empowered to draw a warrant for said sum of One Hundred Fifty (\$150.00) Dollars in favor of the Clerk of said School District upon the presentation to him of a proper voucher for the same duly approved by the Superintendent of Public Instruction, said sum to be paid from the funds appropriated by said Chapter 49, Laws of 1919, for the fiscal year ending June 30, 1921.

Section 2. Whereas, this act is necessary for the immediate support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved February 16, 1921.

CHAPTER 69.**(H. B. 213)**

FOR DEFICIENCY, SCHOOL FOR THE BLIND.

AN ACT Entitled, An Act Appropriating Money for Deficiency in Maintenance and Salaries at the School for the Blind at Gary, South Dakota, for the Fiscal Year Ending June 30th, 1921.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of Six Thousand (\$6,000.00) Dollars, or so much thereof as may be necessary, for deficiency in maintenance and salaries for the School for the Blind at Gary, South Dakota, for the fiscal year ending June 30th, 1921.

Section 2. Whereas, this Act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist, and this Act shall be in force and effect after its passage and approval.

Approved February 21, 1921.

CHAPTER 70.

(H. B. 235)

FOR REPAIRS, STATE SCHOOL FOR BLIND.

AN ACT Entitled, An Act Appropriating Money for Repairing Main Building at the School for the Blind at Gary, South Dakota.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of Eight Thousand (\$8,000.00) Dollars, or so much thereof as may be necessary, to be expended by the State Board of Charities and Corrections for repairing the Main Building at the School for the Blind at Gary, South Dakota, available for the biennium.

Section 2. Said funds shall be paid out on warrants drawn by the State Auditor, based on duly itemized vouchers approved by the Board of Charities and Corrections.

Approved March 1, 1921.

CHAPTER 71.

(S. B. 206)

FOR IMPROVEMENTS, SCHOOL AND HOME FOR FEEBLE MINDED.

AN ACT Entitled, An Act Appropriating Money for the State School and Home for the Feeble Minded at Redfield, South Dakota.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Five Thousand Dollars (\$5,000.00) for furnishing Service Building, said sum to be available during the fiscal year 1922-23; the sum of Six Thousand Dollars (\$6,000.00) for tiling; and the sum of Two Thousand Dollars (\$2,000.00) for artesian well, at the State School and Home for the Feeble Minded at Redfield, South Dakota, said funds to be paid out on warrants drawn by the State Auditor upon vouchers approved by the Board of Charities and Corrections.

Approved February 24, 1921.

CHAPTER 72.**(S. B. 226)****FOR STATE SCHOOL AND HOME FOR FEEBLE MINDED.**

AN ACT Entitled, An Act Appropriating Money for the State School and Home for Feeble Minded at Redfield, South Dakota.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Whereas, under the terms of Chapter 32, Session Laws of 1919, there was appropriated for the purpose of, constructing a Service Building at the State School and Home for Feeble Minded at Redfield, South Dakota, the sum of Ninety Thousand Dollars (\$90,000.00) and under the terms of said chapter said money reverted to the Treasury July 1, 1921. Said building operations were postponed by reason of unfavorable conditions. Wherefore, there is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Ninety Thousand Dollars (\$90,000.00), or so much thereof as may be necessary, for the purpose of constructing said Service Building, it being the intent and purpose of this act to re-appropriate the sum provided in the above Chapter and to make same available until the designated purpose has been fulfilled.

Section 2. Whereas, this act is necessary for the immediate support of the state government and its existing public institutions, an emergency is hereby declared to exist and this Act is declared to be in force and effect from and after its passage and approval.

Approved February 28, 1921.

CHAPTER 73.**(S. B. 204)****FOR DEFICIENCY, STATE SCHOOL AND HOME FOR FEEBLE MINDED.**

AN ACT Entitled, An Act Appropriating Money for the State School and Home for Feeble Minded, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Eight Thousand Dollars (\$8,000.00), or so much thereof as may be necessary, to pay the deficiency in maintenance at the School and Home for Feeble Minded, Redfield, South Dakota, for the fiscal year ending June 30, 1921.

Section 2. Whereas, this act is necessary for the immediate support of the State government and its existing public institutions, an emergency is hereby declared to exist and this act is declared to be in force and effect from and after its passage and approval.

Approved February 21, 1921.

CHAPTER 74.

(S. B. 202)

FOR BUILDING, SCHOOL OF MINES.

AN ACT Entitled, An Act Appropriating Money for the Completion of the Engineering Building at the School of Mines.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Thirty Thousand Dollars (\$30,000.00), or so much thereof as may be necessary for the purpose of completing the construction of the Engineering Building at the School of Mines, to be expended by the Regents of Education.

Approved February 24, 1921.

CHAPTER 75.

(S. B. 205)

FOR LAND, SCHOOL OF MINES.

AN ACT Entitled, An Act Authorizing the Purchase of Additional Lands for the School of Mines, Appropriating Money Therefor, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. The State Board of Regents of Education is hereby authorized to purchase for the use and benefit of the School of Mines at Rapid City, South Dakota, certain land and lots adjoining or near that now being used by the said institution, and there is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of Eight Thousand Dollars (\$8,000.00), or so much thereof as may be necessary, to be used for that purpose, and the State Auditor shall issue warrants upon the State Treasury therefor upon itemized vouchers approved by the Regents of Education.

Section 2. Whereas, this act is necessary for the immediate support of the state government and its existing public institutions, an emergency is hereby declared to exist and this act is declared to be in force and effect from and after its passage and approval.

Approved February 24, 1921.

CHAPTER 76.

(S. B. 201)

FOR HEATING PLANT, SCHOOL OF MINES.

AN ACT Entitled, An Act Appropriating Money for the Construction of a Heating Plant at the School of Mines.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Twenty Thousand Dollars (\$20,000.00), or so much thereof as may be necessary for the purpose of constructing a Heating Plant at the School of Mines, to be expended by the Regents of Education, said sum to be available during the fiscal year ending June 30, 1923.

Approved February 24, 1921.

CHAPTER 77.

(H. B. 175)

FOR DEFICIENCY, STATE SCHOOL OF MINES.

AN ACT Entitled, An Act Appropriating Money for Deficiency in Maintenance, State School of Mines, Rapid City, South Dakota, for the Fiscal Year Ending June 30th, 1921.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of Ten Thousand Dollars (\$10,000.00), or so much thereof as may be necessary, for deficiency in maintenance at the State School of Mines, Rapid City, South Dakota, for the fiscal year ending June 30th, 1921.

Section 2. Whereas, this act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist, and this Act shall be in force and effect after its passage and approval.

Approved February 21, 1921.

CHAPTER 78.**(S. B. 280)****FOR BURIAL OF SOLDIERS AND SAILORS.**

AN ACT Entitled, An Act Appropriating Money for the Burial of Soldiers and Sailors, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated, out of any moneys in the State Treasury, not otherwise appropriated, the sum of Eight Thousand Dollars (\$8,000.00) or so much thereof as may be necessary, to pay for the burial of deceased soldiers and sailors during the fiscal year ending July 1, 1921, and for the biennium ending June 30, 1923.

Section 2. Whereas, this act is necessary for the immediate support of the state government and its existing public institutions, an emergency is hereby declared to exist and this act is declared to be in force and effect from and after its passage and approval.

Approved March 2, 1921.

CHAPTER 79.**(H. B. 212)****FOR DEFICIENCY, SOLDIERS' HOME.**

AN ACT Entitled, An Act Appropriating Money for Deficiency in Maintenance for State Soldiers' Home, Hot Springs, South Dakota, for the Fiscal Year Ending June 30th, 1921.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of Ten Thousand Dollars (\$10,000.00), or so much thereof as may be necessary, for deficiency in maintenance of the State Soldiers' Home, Hot Springs, South Dakota, for the fiscal year ending June 30th, 1921.

Section 2. Whereas, this act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist, and this Act shall be in force and effect after its passage and approval.

Approved February 21, 1921.

CHAPTER 80.

(H. B. 232)

FOR DEFICIENCY, SOLDIERS' HOME.

AN ACT Entitled, An Act Appropriating Money for Deficiency in Repairs and Painting at the State Soldiers' Home, Hot Springs, South Dakota.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of One Thousand Dollars, (\$1,000.00), or so much thereof as may be necessary, for deficiency in repairs and painting at the State Soldiers' Home, Hot Springs, South Dakota.

Section 2. Whereas, this act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist, and this Act shall be in force and effect after its passage and approval.

Approved March 1, 1921.

CHAPTER 81.

(H. B. 233)

FOR DEFICIENCY, SOLDIERS' HOME.

AN ACT Entitled, An Act Appropriating Money for Deficiency to Complete Laundry, Machine Shop and Cold Storage Room at the State Soldiers' Home, Hot Springs, South Dakota.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of Three Thousand and Five Hundred (\$3,500.00) Dollars, or so much thereof as may be necessary, for deficiency to complete laundry, machine shop and cold storage room at the State Soldiers' Home, Hot Springs, South Dakota.

Section 2. Whereas, this act is necessary for the support of the State Government and its existing institutions, an emergency is declared to exist, and this Act shall be in force and effect after its passage and approval.

Approved March 1, 1921.

CHAPTER 82.

(S. B. 208)

FOR DEFICIENCY, SPRINGFIELD NORMAL.

AN ACT Entitled, An Act Appropriating Money for the Springfield Normal School, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Seven thousand three hundred dollars (\$7,300.00), or so much thereof as may be necessary, to pay deficiency in salaries and maintenance at Springfield Normal School for the fiscal year ending June 30, 1921.

Section 2. Whereas, this act is necessary for the immediate support of the state government and its existing public institutions, an emergency is hereby declared to exist and this act is declared to be in force and effect from and after its passage and approval.

Approved February 24, 1921.

CHAPTER 83.

(H. B. 321)

FOR STATE BOARD OF ACCOUNTANCY.

AN ACT Entitled, An Act to Appropriate Money for Advertising and Incidental Expenses of the State Board of Accountancy, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of the State Treasury, not otherwise appropriated, the sum of One Hundred Dollars (\$100.00) to be used by the Board of Accountancy to pay advertising notices and other incidental expenses of said board. This fund shall be available in making payment of any expenses incurred prior to the passage of this Act.

Section 2. Whereas this Act is necessary for support of the State Government and its existing institutions, an emergency is hereby declared to exist, and this Act shall be in force and effect after its passage and approval.

Approved March 2, 1921.

CHAPTER 84.

(H. B. 176)

FOR DEFICIENCY, STATE BOARD OF HEALTH.

AN ACT Entitled, An Act Appropriating Money for Deficiency in Fund for Printing and Necessary Publications for the Board of Health.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of fifteen hundred dollars (\$1,500.00), or so much thereof as may be necessary, for deficiency in fund for Printing and Necessary Publications for the Board of Health for the fiscal year ending June 30th, 1921.

Section 2. Whereas, this act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist, and this Act shall be in force and effect after its passage and approval.

Approved March 1, 1921.

CHAPTER 85.

(S. B. 209)

FOR STATE BUDGET BOARD.

AN ACT Entitled, An Act Appropriating Money for Compensation and Expense of the Budget Board, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of one thousand five hundred dollars (\$1,500.00), or so much thereof as may be necessary to compensate and pay the expenses of those members of the Budget Board whose compensation and expense are not otherwise paid, and pay all other expense legally incurred by the Budget Board during the fiscal year ending June 30, 1921.

Section 2. Whereas, this act is necessary for the immediate support of the state government and its existing public institutions, an emergency is hereby declared to exist and this act is declared to be in force and effect from and after its passage and approval.

Approved February 25, 1921.

CHAPTER 86.

(S. B. 224)

FOR STATE BUDGET BOARD.

AN ACT Entitled, An Act Appropriating Money for Compensation and Expense of the Budget Board.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Five Thousand Dollars (\$5,000.00), or so much thereof as may be necessary to compensate and pay the expenses of these members of the Budget Board whose compensation and expense are not otherwise paid, and to pay all other expense legally incurred by the Budget Board during biennial period ending June 30, 1923.

Approved February 28, 1921.

CHAPTER 87.

(H. B. 225)

FOR STATE BUDGET BOARD.

AN ACT Entitled, An Act to appropriate Money for Expenses of Certain Members of the Senate and House Appropriation Committees for Attendance Upon the Meeting for the Budget Board, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, the following sums to the following named persons, respectively, for expenses incurred by them in their attendance at the meeting of the State Budget Board:

A. M. Moore, Faulkton, South Dakota.....	\$187.50
Chairman Senate Appropriations Committee,	
E. W. Anderson, Willow Lake, South Dakota.....	\$337.50
Chairman House Appropriations Committee,	
Chairman Pro Tem.	
E. W. Ericson, Alcester, South Dakota.....	\$337.50
Member Senate Appropriations Committee,	
Jacob O. Wickre, Langford, South Dakota.....	\$337.50
Member House Appropriations Committee,	

Section 2. The State Auditor is hereby authorized and directed to issue warrants to the above named persons for the sums hereinbefore appropriated.

Section 3. Whereas, this act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this act shall be in force and effect from and after its passage and approval.

NOTE BY THE SECRETARY OF STATE: The foregoing act, having been presented to the Governor of this state for his approval, and not

having been returned by him to the house of the legislature in which it originated, or to the Secretary of State with his objections, within the time prescribed by the Constitution, has become a law without his approval.

Filed March 9, 1921.

C. A. Burkhart,
Secretary of State.

CHAPTER 88.

(S. B. 66)

FOR BUILDING, STATE COLLEGE.

AN ACT Entitled, An Act to Appropriate Money for the Cost of Construction of a Dormitory for Wounded or Disabled Vocational Training Men at the State College of Agriculture and Mechanic Arts at Brookings.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. The following sums of money are hereby appropriated, or so much thereof as may be necessary, out of any moneys in the State Treasury not otherwise appropriated, for the purpose of paying the cost of the construction of a dormitory for wounded or disabled Vocational Training men at the State College of Agriculture and Mechanic Arts at Brookings: viz: the sum of \$55,565.00 to pay the cost of constructing the part of such building now in course of construction including heating, plumbing, wiring inside the building, lighting fixtures and installation, connecting heating main with building, making sewer and water connections with the building and fire escape and elevator; including emergency warrants of the Governor issued to secure funds for starting the construction of such building.

The further sum of \$50,000.00 to complete said building entire according to the plans and specifications thereof in the office of the State Engineer. Such moneys shall be paid out on itemized vouchers duly approved by the Regents of Education.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1921.

CHAPTER 89.

(S. B. 189)

FOR STATE COLLEGE OF AGRICULTURE, ETC.

AN ACT Entitled, An Act Appropriating Money for the College of Agriculture and Mechanic Arts.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Six Hundred Fifty-eight Dollars and Ninety-one Cents (\$658.91) to be paid into the Local and Endowment Fund of the College of Agriculture and Mechanic Arts to reimburse that fund for money which reverted to the State Treasury from the Armory Fund erroneously.

Section 2. Whereas, this act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this act is declared to be in force and effect from and after its passage and approval.

Approved February 25, 1921.

CHAPTER 90.

(S. B. 343)

FOR STATE COLLEGE OF AGRICULTURE, ETC.

AN ACT Entitled, An Act Appropriating Money for the Construction of Cottage for Farm Foremen, at the State College of Agriculture and Mechanic Arts, Brookings, South Dakota.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of Five Thousand (\$5,000.00) Dollars, or so much thereof as may be necessary, for the construction of a cottage for farm foremen at the State College of Agriculture and Mechanic Arts, Brookings, South Dakota.

Section 2. Said funds shall be paid out on warrants drawn by the State Auditor based on duly itemized vouchers approved by the Board of Regents.

Approved March 10, 1921.

CHAPTER 91.

(H. B. 174)

FOR DEFICIENCY, STATE COLLEGE OF AGRICULTURE, ETC.

AN ACT Entitled, An Act Appropriating Money for Deficiency in Maintenance, College of Agriculture and Mechanic Arts, Brookings, South Dakota, for the Fiscal Year Ending June 30, 1921.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of Thirty Thousand (\$30,000.00) Dollars, or so much thereof as may be necessary, for deficiency in maintenance for the fiscal year ending June 30th, 1921, at the College of Agriculture and Mechanic Arts, Brookings, South Dakota.

Section 2. Whereas, this Act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist, and this Act shall be in force and effect after its passage and approval.

Approved March 1, 1921.

CHAPTER 92.

(H. B. 312)

FOR HEATING PLANT, STATE COLLEGE.

AN ACT Entitled, An Act Appropriating Money for the Construction of a Heating Plant and Building Tunnels at the State College of Agriculture and Mechanic Arts at Brookings, South Dakota.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum Sixty-six Thousand, Two Hundred (\$66,200.00 Dollars, or so much thereof as may be necessary, for the construction of a heating plant and building tunnels at the State College of Agriculture and Mechanic Arts at Brookings, South Dakota, available for the biennium, to be expended by the State Board of Regents, for the uses and purposes following, to-wit:

For a new boiler and building for heating plant.

pumping and heating equipment, and water	
mains	\$65,000.00

For Tunnel for Heating Mains	\$ 1,200.00
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Section 2. Whereas, this act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist, and this Act shall be in force and effect after its passage and approval.

Approved March 2, 1921.

CHAPTER 93.

(H. B. 326)

FOR STATE COLLEGE OF AGRICULTURE, ETC.

AN ACT Entitled, An Act Appropriating Money for the Construction of a Farm Elevator at the State College of Agriculture and Mechanic Arts, Brookings, South Dakota.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of Five Thousand (\$5,000.00) Dollars, or so much thereof as may be necessary, for the construction of a farm elevator at the State College of Agriculture and Mechanic Arts, Brookings, South Dakota.

Section 2. Said funds shall be paid out on warrants drawn by the State Auditor based on duly itemized vouchers approved by the Board of Regents.

Approved March 4, 1921.

CHAPTER 94.

(S. B. 237)

FOR SUPPLIES, STATE COUNCIL OF DEFENSE.

AN ACT Entitled, An Act to Appropriate Money for the Fair City Supply Company for Supplies Furnished the State Council of Defense.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of Twenty Dollars and Seventy Cents (\$20.70) for the Fair City Supply Company of Huron, South Dakota, for supplies furnished the State Council of Defense.

Section 2. Whereas, this act is necessary for the support of the state and its existing institutions, an emergency is hereby declared to exist and this Act shall be in force and effect after its passage and approval.

Approved February 28, 1921.

CHAPTER 95.

(H. B. 236)

FOR STATE FAIR.

AN ACT Entitled, An Act Appropriating Money for Women's Rest Room at the State Fair Grounds, Huron, South Dakota.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out any money in the State Treasury, not otherwise appropriated, the sum of Seven Thousand Dollars (\$7,000.00), or so much thereof as may be necessary, to be expended by the State Board of Agriculture for the erection of a Women's Rest Room, at the State Fair Grounds, Huron, South Dakota.

Approved March 1, 1921.

CHAPTER 96.

(S. B. 227)

FOR STATE FIREMEN'S ASSOCIATION.

AN ACT Entitled, An Act Appropriating Money for Expense of Annual Firemen's Tournaments.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of two thousand five hundred dollars (\$2,500.00) for the fiscal year ending June 30, 1922, and Two Thousand Five Hundred Dollars (\$2,500.00) for the fiscal year ending June 30, 1923, to be paid into the treasury of the State Firemen's Association of this state for the purpose of defraying expenses of the annual tournaments of the State Firemen's Association.

Approved February, 1921.

CHAPTER 97.

(H. B. 346)

FOR STATE HIGHWAY DEPARTMENT.

AN ACT Entitled, An Act Appropriating Money to Pay Compensation for the Death of Howard B. McClintock, an Employee of the State Highway Department.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That whereas there is due and owing from the State of South Dakota to J. S. McClintock, father of Howard B. McClintock, who was killed while in the service of the State Highway

Department on or about February 12th, 1921, the sum of three thousand (\$3,000.00) dollars; and whereas there are no funds available for the payment of such compensation,

Now Therefore There Is Hereby Appropriated from any funds in the State Treasury, not otherwise appropriated, the sum of three thousand (\$3,000.00) dollars, to be paid to the said J. S. McClintock by warrant of the State Auditor to be issued upon a proper voucher of the State Highway Commission approved by the State Industrial Commissioner.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1921.

CHAPTER 98.

(H. B. 361)

FOR STATE HOME BUILDING DEPARTMENT.

AN ACT Entitled, An Act Appropriating Money to be Used by the State Home Building Department in Conformity With the Provisions of the Act Creating that Department, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of Fifteen Thousand Dollars (\$15,000.00) or so much thereof as may be necessary, to be paid into the Home Building Expense Fund and to be used for the purposes authorized by the Act creating the State Home Building Department of the State of South Dakota.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1921.

CHAPTER 99.

(H. B. 309)

FOR DEFICIENCY, STATE LIVE STOCK SANITARY BOARD.

AN ACT Entitled, An Act Appropriating Money for Deficiency for Indemnity for Animals Destroyed on Account of Tuberculosis Under the Accredited Herds Plan, for the Fiscal Year Ending June 30th, 1921, in the Live Stock Sanitary Board.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Ten Thousand (\$10,000.00) Dollars, or so much thereof as may be nec-

essary, for deficiency for indemnity for the animals destroyed on account of tuberculosis under the Accredited Herds Plan, in the Live Stock Sanitary Board for the fiscal year ending June 30th, 1921.

Section 2. Whereas, this act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist, and this act shall be in force and effect after its passage and approval.

Approved March 2, 1921.

CHAPTER 100.

(H. B. 310)

FOR DEFICIENCY, STATE LIVE STOCK SANITARY BOARD.

AN ACT Entitled, An Act Appropriating Money for Deficiency in the General Fund for the Live Stock Sanitary Board for Accredited Herds Work and Expense for the Fiscal Year Ending June 30th, 1921.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Thirteen thousand (\$13,000.00) dollars, or so much thereof as may be necessary, for deficiency in the General Fund for the Live Stock Sanitary Board for Accredited Herds work and expense for the fiscal year ending June 30th, 1921.

Section 2. Whereas, this Act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist, and this act shall be in force and effect after its passage and approval.

Approved March 2, 1921.

CHAPTER 101.

(S. B. 158)

FOR STATE NURSES EXAMINING BOARD.

AN ACT Entitled, An Act to Appropriate Money to Assist in Maintaining the Office of the South Dakota State Nurses' Examining Board.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. The sum of One Thousand Dollars, or so much thereof as may be necessary, is hereby appropriated to assist in maintaining and paying the expenses of the South Dakota State Nurses' Examining Board. Such money shall be paid out upon vouchers approved by the president of said board and the Governor.

Section 2. Whereas this act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist and this act shall be in force after its passage and approval.

Approved February 21, 1921.

CHAPTER 102.

(H. B. 325)

FOR DEFICIENCY, STATE PENITENTIARY.

AN ACT Entitled, An Act Appropriating Money for Deficiency in Maintenance and Salaries at the State Penitentiary, Sioux Falls, South Dakota, for the Fiscal Year Ending June 30, 1921.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of Thirty Thousand, Five Hundred and Two and 92-100 (\$30,502.92) Dollars, or so much thereof as may be necessary, for deficiency in maintenance and salaries at the State Penitentiary, Sioux Falls, South Dakota, for the fiscal year ending June 30th, 1921, to be expended by the State Board of Charities and Corrections, for the uses and purposes following to-wit:

Salaries	\$ 6,502.92
Maintenance	\$24,000.00

Section 2. Whereas, this Act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist, and this Act shall be in force and effect after its passage and approval.

Approved March 8, 1921.

CHAPTER 103.

(S. B. 203)

FOR IMPROVEMENTS, STATE SANITARIUM.

AN ACT Entitled, An Act Appropriating Money for the State Sanitarium at Custer, South Dakota.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Five Thousand and Dollars (\$5,000.00) for furnishing pavilions; the sum of Six Thousand Five Hundred Dollars (\$6,500.00) for X-Ray and laboratory equipment; and the sum of Two Thousand Five Hundred Dollars (\$2,500.00) for completing Administration Building, at the State Sanitarium at Custer, South Dakota, said funds to be paid out on warrants drawn by the State Auditor upon vouchers approved by the Board of Charities and Corrections.

Approved February 24, 1921.

CHAPTER 104.

(S. B. 225)

FOR BUILDING, STATE SANITARIUM.

AN ACT Entitled, An Act Appropriating Money for the State Sanitarium at Custer, South Dakota.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Whereas, under the terms of Chapter 78, Session Laws of 1919, there was appropriated for the purpose of constructing two pavilions at the Custer Sanitarium the sum of Sixty Thousand Dollars (\$60,000.00), and under the terms of said chapter said money will revert to the Treasury July 1, 1921, said building operations were postponed by reason of unfavorable conditions, wherefore, there is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of sixty thousand dollars (\$60,000.00), or so much thereof as may be necessary, for the purpose of constructing the two proposed pavilions, it being the intent and purpose of this act to re-appropriate the sum provided in the above chapter and to make same available until the designated purpose has been fulfilled.

Approved February 28, 1921.

CHAPTER 105.

(S. B. 207)

FOR IMPROVEMENTS, STATE TRAINING SCHOOL.

AN ACT Entitled, An Act Appropriating Money for the State Training School, Plankinton, South Dakota.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Two Thousand Five Hundred Dollars (\$2,500.00) for the construction of a laundry building, said sum to be available during the fiscal year 1922-23; the sum of One Thousand Two Hundred Dollars (\$1,200.00) for a deep well; the sum of Three Thousand Dollars (\$3,000.00) for a coal bunker; the sum of Nine Hundred Dollars (\$900.00) for building porch on Main Building; the sum of One Thousand Five Hundred Dollars (\$1,500.00) for the construction of a Machine House, at the State Training School at Plankinton, South Dakota, said funds to be paid out on warrants drawn by the State Auditor upon vouchers approved by the Board of Charities and Corrections.

Approved February 24, 1921.

CHAPTER 106.

(S. B. 262)

FOR DEFICIENCY, STATE TREASURER.

AN ACT Entitled, An Act Appropriating Money to Care for Certain Deficiencies in Salary and Expense of the State Treasurer and Employees, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Nine Hundred Eight Dollars and Fifty Cents (\$908.50), or so much thereof as may be necessary, to pay certain deficiencies in the funds appropriated by the Sixteenth Legislative Session for salary of employees and expense in the State Treasurer's office, Six Hundred Eight Dollars and Fifty Cents (\$608.50) of said sum to be available for salary of employees and Three Hundred Dollars (\$300.00) to be available for expense of Treasurer.

Section 2. Whereas, this act is necessary for the immediate support of the state government and its existing public institutions, an emergency is hereby declared to exist and this act is declared to be in force and effect from and after its passage and approval.

Approved February 28, 1921.

CHAPTER 107.

(S. B. 306)

FOR STATE TREASURER, EXPENSE OF SALE OF STATE WARRANTS.

AN ACT Entitled, An Act Appropriating Money to Compensate W. S. O'Brien, State Treasurer for Moneys Expended by Him in Connection With the Printing, Issuance, Negotiating and Sale of State Treasury Warrants.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That there is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of Twelve Hundred Eight-five and 20-100 Dollars (\$1285.20) to compensate W. S. O'Brien, State Treasurer for money expended by him in connection with printing, issuance, negotiating and sale of an issue of State Treasury warrants, authorized by law, including certain traveling expenses, express charges, expense of printing warrants and the expense of procuring an opinion by bond attorneys. Said appropriation to be paid upon a warrant to be issued by the State Auditor upon the presentation of a duly itemized voucher for such expenses.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

NOTE BY THE SECRETARY OF STATE: The foregoing act, having been presented to the Governor of this State for his approval, and not

having been returned by him to the house of the Legislature in which it originated, or to the Secretary of State with his objections, within the time prescribed by the Constitution, has become a law without his approval.

C. A. Burkhardt,
Secretary of State.

CHAPTER 108.

(S. B. 185)

FOR PREMIUM, STATE TREASURER'S BOND.

AN ACT Entitled, An Act Appropriating Money for the Purpose of Paying Premiums on the Bonds of the State Treasurer for the Current Year.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of the moneys in the State Treasury not otherwise appropriated the sum of \$3000.00 for the purpose of paying the premiums upon the bond of the State Treasurer for the current year.

Section 2. The appropriation herein provided shall be immediately available and it shall be paid by warrants issued by the State Auditor upon presentation of duly itemized vouchers approved by the Commissioner of Insurance.

Approved February 24, 1921.

CHAPTER 109.

(H. B. 333)

FOR DEPUTY SUPERINTENDENT OF BANKS.

AN ACT Entitled, An Act Appropriating Money for the Payment of the Salary of the First Deputy Superintendent of Banks, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Four Hundred Dollars (\$400.00) out of the Twenty-four Hundred (\$2400.00) Dollars appropriated by Section 12, Chapter 15, of the Session Laws of 1919, for salary of the Second Deputy Superintendent of Banks for the fiscal year ending June 30, 1921, is hereby appropriated for the payment of the salary of the First Deputy Superintendent of Banks, and shall be available for that purpose until June 30, 1921.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1921.

CHAPTER 110.

(S. B. 331)

FOR SUPPLIES, TAX COMMISSION.

AN ACT Entitled, An Act to appropriate Money to Complete the Payment for Agricultural Statistics Blank Books for the Year 1921, Furnished to the Tax Commission by State Publishing Company, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the Treasury of the State South Dakota not otherwise appropriated, the sum of ninety-seven dollars and thirty-four cents (\$97.34) for the purpose of completing the payment of balance due on the voucher of State Publishing Company of Pierre, South Dakota, for One Hundred Eighty-eight Dollars and seventy-three cents (\$188.73) for Twenty Six Hundred agricultural statistics books for the year 1921, furnished to the Tax Commission.

Section 2. Whereas, this Act is necessary for the support of the State Government, an Emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved March 8, 1921.

CHAPTER 111.

(S. B. 190)

FOR PAYMENT OF CERTAIN TAXES.

AN ACT Entitled, An Act Appropriating Funds for the Payment of Taxes on Lots 1 & 2 and S½ NE of Section One (1), Township One (1) North, Range Six (6) East B. H. M.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, the sum of Eighteen Dollars and Seventy Nine Cents (\$18.79), or so much thereof as may be necessary, to be expended by the Commissioner of School and Public Lands for the payment of the Taxes on Lots 1 & 2, S1-2NE of Section One (1), Township One (1) North, Range Six (6), East B. H. M.

Section 2. Whereas, this Act is necessary for the support of the State Government and its existing institutions, an Emergency is hereby declared to exist, and this Act shall be in force and effect from and after its passage and approval.

Approved February 25, 1921.

CHAPTER 112.

(S. B. 334.)

FOR UNIVERSITY OF SOUTH DAKOTA.

AN ACT Entitled, An Act Appropriating Money for Re-electric Wiring Certain Buildings at the State University at Vermillion, South Dakota, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of seven thousand seven hundred seventy-five (\$7,775.00) dollars, or so much thereof as may be necessary, for re-electric wiring the buildings on the campus of the State University at Vermillion, South Dakota, known as Science Hall and Main Building.

Section 2. Whereas, said Science Hall and Main Building are in great present danger of destruction by fire arising from defective insulation, and whereas, it is necessary for the support of the State Government and its existing public institutions and for the preservation of its property that the money hereby appropriated shall be immediately available, an emergency is hereby declared to exist, and this Act shall be in force and effect from and after its passage and approval.

Approved March 8, 1921.

CHAPTER 113.

(H. B. 24.)

FOR SPECIAL ASSESSMENTS, UNIVERSITY OF SOUTH DAKOTA.

AN ACT Entitled, An Act to Appropriate Money for the Payment of the Assessment Levied Against the Property of the State, Used in Connection With State University, for Paving, Curbing and Water Connections, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of thirteen thousand one hundred sixty-two and 1/100 (\$13,162.01) dollars, or so much thereof as may be necessary, for the purpose of paying the assessments levied against the property of the State used in connection with the University of South Dakota for pavements and curbings and water connections construed by the City of Vermillion, South Dakota to be expended by the Regents of Education.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved January 27, 1921.

CHAPTER 114.

(S. B. 186.)

FOR TUITION, WAR VETERANS.

AN ACT Entitled, An Act Appropriating Money for Payment of Tuition of Persons Who Are Entitled to Attend State Educational Institutions Without Payment of Tuition Under Section 5577, Revised Code as Amended.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of fifteen thousand (\$15,000.00) dollars, for the fiscal year ending June 30, 1922, and the sum of fifteen thousand (\$15,000.00) for the fiscal year ending June 30, 1923, to be paid into the Local and Endowment Fund of the State Educational Institutions to reimburse them for losses of tuition under provisions of Section 5577 of the Revised Code of 1919 as amended by Chapter 129, Session Laws of 1919, and the money hereby appropriated shall be paid out on warrants of the State Auditor issued on vouchers approved by the Regents of Education.

Approved February 24, 1921.

CHAPTER 115.

(S. B. 65.)

FOR STONE IN WASHINGTON MONUMENT.

AN ACT Entitled, An Act Providing for Placing a South Dakota Stone in Washington Monument, and Appropriating Money Therefor.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. The Secretary of State is hereby directed to cause to be prepared a slab of native granite rock, of South Dakota, two feet wide, four feet long and six inches thick and to cause the great seal of South Dakota to be engraved thereon, and to deliver the same to the United States authorities in Washington, D. C., the same to be placed in Washington Monument.

Section 2. There is hereby appropriated out of any money in the Treasury, not otherwise appropriated, the sum of three hundred dollars, or so much thereof as is necessary to be expended by the Secretary of State in carrying out the purpose of this Act.

Approved March 2, 1921.

CHAPTER 116.

(H. B. 149.)

FOR DEFICIENCY, WOLF BOUNTIES.

AN ACT Entitled, An Act Appropriating Money to Pay Deficiency Claims for Wolf Bounty as filed in the State Auditor's Office.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of four thousand and thirty-five (\$4,035.00) dollars, or so much thereof as may be necessary, to pay deficiency claims for wolf bounty as filed in the State Auditor's office.

Section 2. Whereas, this Act is necessary for the support of the State and its existing institutions, an emergency is hereby declared to exist, and this Act shall be in force and effect after its passage and approval.

Approved February 28, 1921.

CHAPTER 117.

(H. B. 215.)

FOR LIABILITY UNDER WORKMEN'S COMPENSATION LAW.

AN ACT Entitled, An Act Appropriating Money for the Payment of Claims Against the State of South Dakota of State Officers and Employees Arising Under Section 9451 of the Revised Code of 1919; Providing a Method for the Payment of Such Claims of Employees of the State Engaged in Industrial Enterprises and Works of Internal Improvement, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of five thousand (\$5,000.00) dollars, for the fiscal year 1921-22, and the further sum of five thousand (\$5,000.00) dollars, for the fiscal year 1922-23, or so much of said sums as may be necessary, for the use of the Industrial Commissioner in paying claims against the State of South Dakota of State officers or employees arising under Section 9451 of the Revised Code of 1919. The moneys herein appropriated shall be paid out on warrants of the State Auditor issued upon duly authenticated vouchers approved by the Industrial Commissioner.

Section 2. The provision made in Section 1 of this Act shall not apply to those employees of the State who are or may hereafter be engaged in industrial enterprises or works of internal improvement such as those in charge of the State Highway Department, the State Coal Mining Commission, the State Cement Commission, the State Hydro-Electric Commission, and works of similar character; but the respective boards or commissions in charge of such industrial enterprises or works of internal improvement shall be authorized either to pay such claims from the funds available for the maintenance of such depart-

ments or commissions or to procure workmen's compensation insurance in the discretion of the board or commission and to pay the premium therefor from the available funds provided for the maintenance of such boards or commissions.

Section 3. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1921.

CHAPTER 118.

(H. B. 210.)

FOR YANKTON STATE HOSPITAL.

AN ACT Entitled, An Act Appropriating Money for a Machine Shed at the State Hospital for the Insane, Yankton, South Dakota.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of five thousand (\$5,000.00) dollars, to be expended by the State Board of Charities and Corrections for the erection of a machine shed at the State Hospital for the Insane, Yankton, South Dakota.

Section 2. Said funds shall be paid out on warrants drawn by the State Auditor based on duly itemized vouchers approved by the Board of Charities and Corrections.

Approved March 1, 1921.

CHAPTER 119.

(H. B. 211.)

FOR IMPROVEMENTS, YANKTON STATE HOSPITAL.

AN ACT Entitled, An Act Appropriating Money for Improvements, Repairs and Equipment at the State Hospital for the Insane, Yankton, South Dakota,

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of twelve thousand two hundred and thirty (\$12,230.00) dollars, for improvements, repairs and equipment at the State Hospital for the Insane, Yankton, South Dakota, to be expended by the State Board of Charities and Corrections, for the uses and purposes following, to-wit:

Roofing Power House	\$3,000.00
Fencing and Cross-Fencing	2,500.00
Additional Farm Equipment	5,000.00
Weather Stripping	1,730.00

Section 2. That moneys hereby appropriated shall not revert until the repairs and equipment shall have been fully completed, and in any event not until June 30, 1923. Said funds shall be paid out on warrants drawn by the State Auditor based on duly itemized vouchers approved by the Board of Charities and Corrections.

Section 3. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act is declared to be in force and effect from and after its passage and approval.

Approved March 1, 1921.

CHAPTER 120.

(H. B. 308.)

FOR YANKTON STATE HOSPITAL.

AN ACT Entitled, An Act Appropriating Money for Preliminary Plans, Excavation, and Foundation Work for the Construction of a Building for Disturbed Women, at the State Hospital for the Insane, Yankton, South Dakota.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of ten thousand (\$10,000.00) dollars, or so much thereof as may be necessary, for preliminary plans, excavation, and foundation work for the construction of a building for disturbed women, at the State Hospital for the Insane, Yankton, South Dakota, to be available in the second year of the biennium.

Section 2. Said funds shall be paid out on warrants drawn by the State Auditor based on duly itemized vouchers approved by the Board of Charities and Corrections.

Approved March 1, 1921.

CHAPTER 121.

(S. B. 292.)

RELATING TO YANKTON STATE HOSPITAL.

AN ACT Entitled, An Act to Appropriate Money to Pay the Compensation and Expenses of the Commissioners Appointed in the Matter of the Application for the Release of Simon Burg from the Yankton State Hospital.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated from any moneys in the State Treasury, not otherwise appropriated, the following sums of money to pay the compensation and expenses allowed to the Commissioners appointed in accordance with the provisions of Section 10084 of the South Dakota Revised Code of 1919, in the matter of the application for the release of Simon Burg from the Yankton State Hospital, to-wit:

James Roane	\$25.00
A. L. Wyman	\$25.00

Section 2. It is hereby made the duty of the State Auditor to issue warrants upon the State Treasury to the persons named in Section 1 of this Act, for the amounts set opposite their names respectively.

Section 3. Whereas, there are no funds available for the payment of the compensation and expenses of the Commissioners referred to in Section 1 of this Act, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1921.

CHAPTER 122.

(H. B. 237.)

FOR TRANSPORTING PATIENT TO YANKTON STATE HOSPITAL.

AN ACT Entitled, An Act Appropriating Money to Pay the Claim of Earl V. Jones for Conveying Bertha F. Jones, an Insane Person, to the State Hospital for the Insane, Yankton, South Dakota.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of forty-seven and 19/100 (\$47.19) dollars to pay the claim of Earl V. Jones for conveying Bertha F. Jones, an insane person, from Perkins County to the State Hospital for the Insane, Yankton, South Dakota, being authorized by the Superintendent of the State Hospital for the Insane to bring said Bertha F. Jones to Yankton, instead of a regular employee.

Section 2. Whereas, this Act is necessary for the support of the State Government and its existing enstitutions, an emergency is hereby declared to exist, and this Act shall be in force and effect after its passage and approval.

Approved March 1, 1921.

Artesian Wells

CHAPTER 123.

(S. B. 241.)

RELATING TO LOCATION OF TOWNSHIP WELLS.

AN ACT Entitled, An Act to Amend Sections 8364 and 8367 of the South Dakota Revised Code of 1919, Relating to Location of Township Wells.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 8364 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 8364. Location by County Surveyor.] It shall be the duty of the County Surveyor to locate the wells in any township in his county in the manner provided in Section 8326, whenever requested so to do by the State Engineer, and when any such well is so located by the County Surveyor he must join with the State Engineer in signing the report of such location. The State Engineer may, for good cause stated appoint any other licensed surveyor to do the work, and his certificate shall be of equal force with the County Surveyor's certificate. Such services shall be paid for by the township in which such well is located.

Section 2. That Section 8367 of the South Dakota Revised Code of 1919, be and the same is hereby amended to read as follows:

Section 8367. Substitute for State Engineer.] Whenever for any reason the acts herein designated to be performed by the State Engineer so far as relates to the locating of wells cannot be performed by him, he shall have power to appoint some competent person to perform that duty, and the county in which such duty is performed shall pay for such services, together with mileage for distance necessarily traveled in going to and returning from the township in which such wells are to be located. In locating wells under the provisions of this article the township board shall furnish the State Engineer with the necessary chainmen and help in locating such wells.

Approved March 12, 1921.

Assessment and Taxation

CHAPTER 124.

(H. B. 132.)

RELATING TO PLACE OF ASSESSMENT OF ROAD CORPORATIONS.

AN ACT Entitled, An Act to Amend Section 6677 of the South Dakota Revised Code of 1919, Relating to the Place of Assessment of Railroads, Street Railways, Plank Roads, Gravel Roads, Logging Roads, Turnpikes and Bridge Companies, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6677 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 6677. Street Railway and Other Companies.] The track, road or bridge, and the equipment and appurtenances thereunto belonging, of any railroad, street railway, plank road, gravel road, logging road, turnpike or bridge company, or of any person or corporation owning and using any such tracks, roads or bridge as one of the facilities for the transaction of its business, when such track, road or bridge lies wholly within one county, shall be assessed in the county, city, town or district where such track, road or bridge and the appurtenances thereto are located. Provided, this Act shall not apply to the property of any railroad company in this State whose property is assessed for the purposes of taxation by the Tax Commission.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1921.

CHAPTER 125.

(S. B. 140.)

RELATING TO COMPENSATION OF ASSESSORS.

AN ACT Entitled, An Act to Amend Section 5982 of the South Dakota Revised Code of 1919, as Amended by Chapter 103, Session Laws of 1919, Relating to Assessors, Fixing Their Compensation and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 5982 of the South Dakota Revised Code of 1919, as amended by Chapter 103 of the Session Laws of 1919, be and the same is hereby further amended to read as follows:

"Section 5982. In counties fully organized into civil townships assessors shall be paid by the townships, and the amount of such compensation shall be determined in the discretion of the township super-Laws—14.

visors. In counties in which any territory is not organized into civil townships, the county, township, city and town assessors shall be paid by the county, and the amount of their compensation shall be determined in the discretion of the County Commissioners."

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1921.

CHAPTER 126.

(S. B. 314.)

RELATING TO CORRECTION OF ERRORS AND OMISSIONS.

AN ACT Entitled, An Act to Amend Section 6771 of the South Dakota Revised Code of 1919 Relating to the Correction of Errors and Omissions in Assessment Rolls or Tax Lists.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6771 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 6771. Errors and Omissions Corrected.] If on the assessment roll or tax list there be any error in the name of the person assessed or taxed, the name may be changed and the tax collected from the person intended, if he be taxable and can be identified by the assessor or treasurer; and if there shall be any error in the description or quantity of real property assessed or taxed such error may in like manner be corrected and the tax collected in the proper amount as determined by computation. When the Treasurer, after the tax list is committed to him, shall ascertain that any land or other property is omitted, he shall report the fact to the County Auditor, who, upon being satisfied thereof, shall enter the same upon his assessment list and assess the value, and the Treasurer shall enter it upon the tax list and collect the tax as in other cases.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1921.

CHAPTER 127.

(S. B. 348.)

EXEMPTING STATE HIGHWAY BONDS FROM TAXATION.

AN ACT Entitled, An Act Relating to Bonds Issued by the State Highway Commission and Exempting the Same from all Taxes and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That all bonds heretofore or hereafter issued by the State Highway Commission shall be free from all general, State, county and municipal taxes and shall not be subject to any State Income Tax.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1921.

CHAPTER 128.

(H. B. 327.)

RELATING TO STATE BRIDGE TAX.

AN ACT Entitled, An Act Relating to Bridges, Authorizing and Directing the Tax Commission to Levy an Annual Tax Therefor.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. State Bridge Levy.] The Tax Commission is authorized and directed to levy annually a tax of one tenth of a mill upon the assessed valuation of all taxable property in the State, to provide a special fund in the State Treasury to be known as the State Bridge Fund. All moneys received by the State Treasurer, pursuant to such levy, shall be placed in such fund and be used and expended for the construction and maintenance of State Bridges, in such manner as the legislature may hereafter direct.

Approved March 4, 1921.

CHAPTER 129.

(H. B. 128.)

RELATING TO TAX SALE NOTICE.

AN ACT Entitled, An Act to Amend Section 6785 of the South Dakota Revised Code of 1919, Relating to the Giving of Notices of Tax Sales and the Publication Fees Therefor.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6785 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 6785. Notice of Sale, Contents, Publication, Etc.] The Treasurer shall give notice of the sale of real property by publication thereof once each week for three consecutive weeks next preceding the sale in the official newspapers of the county as designated by the Board of County Commissioners, if there be any, and if there be no newspaper published in the county, he shall give notice by written or printed notice posted at the door of the court house or building in which the Circuit Court is commonly held, or the usual place of meeting of the County Commissioners, for three weeks previous to the sale. Such notice shall contain a notification that all lands on which the taxes of the preceding year or years remain unpaid will be sold, and the time and place of the sale and such notice must contain a list of the lands to be sold, the name of the parties to whom they are assessed, and the amount of the taxes, both real and personal, due; provided, that when any real property not exceeding twenty-five dollars in assessed value shall have been advertised in a newspaper for two successive years, and not sold, the Treasurer shall give notice of the sale of such property by posting a written notice in the manner provided when there is no newspaper published in the county, and the same shall not be advertised in a newspaper. The County Treasurer shall charge and collect, in addition to the taxes and interest and penalty, the sum of seventy-five cents (\$.75) on each tract of real property and on each town lot advertised for sale, which sum shall be paid into the County Treasury, and the county shall pay the cost of publication. Each official newspaper in which any such notice is published, whether there be one, two or three such newspapers, shall receive one third of the total sum charged to the delinquent lands for advertising.

Approved February 16, 1921.

CHAPTER 130.

(H. B. 21.)

RELATING TO THE TIME FOR PROCURING TAX DEEDS.

AN ACT Entitled, An Act to Amend Section 6806 of the South Dakota Revised Code of 1919, Relating to the Time in Which Proceedings to Procure Tax Deed Must be Commenced and Completed.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6806 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 6806. Time in which Proceedings to Procure Must be Commenced and Completed.] In all cases where proceedings to procure a tax deed are not commenced within six years from the date of the tax sale certificate on which such proceedings are based, such tax sale certificate, the lien for taxes, the lien of any taxes paid by the holder of such tax sale certificate as subsequent taxes, and all rights thereunder shall cease and be forever barred, and the County Treasurer is authorized and it shall be his duty to cancel such certificate on his record and to note on the sale records and the tax books of his office the fact that such tax sale certificate and the lien of such subsequent tax receipts held by the owner of such tax sale certificate are barred and of no validity: Provided, that this section shall not apply to tax sale certificates so long as they are held by the county, and that when any such certificate is assigned by the county, which is dated more than four years preceding the date of its assignment, the purchaser thereof shall have one year from the date of its assignment within which to commence proceedings to procure a tax deed. Provided further, that the commencement of proceedings to procure a tax deed within the periods hereinbefore limited shall not operate to extend the lien of the holder of such tax sale certificates more than six months beyond the expiration of such periods of limitation; and if any such proceedings, commenced within the time limited by this section, be not completed, and the right of the party instituting such proceedings to receive a tax deed under the provisions of Section 6804 of this Code be not fully completed and established, within six months after the expiration of six years from the date of the tax sale certificate upon which such proceedings are based; allowing, however, to purchasers of tax sale certificates assigned by the county the period of one year from the date of the assignment within which to commence such proceedings and six months after the expiration of such period of one year within which to complete the same; then all rights under such proceedings shall cease and be forever barred and it shall be the duty of the County Treasurer to cancel said tax sale certificate in the manner hereinbefore provided, and thereupon the lien of the holder of such tax sale certificate shall be extinguished and all further proceeding thereon shall be barred.

Section 2. That in case of a tax certificate issued more than six years prior to the date when this Act takes effect, such proceedings shall be completed within two years after the date on which this Act takes effect.

Approved February 1, 1921.

CHAPTER 131.

(S. B. 151.)

RELATING TO ASSESSMENT IN UNORGANIZED COUNTIES.

AN ACT Entitled, An Act Relating to the Formation of Assessment Districts in Unorganized Counties. Providing for the Appointment of Assessors, Defining Their Duties, Fixing Their Salaries, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Each unorganized county within this State having a population of not less than five hundred persons, as shown by the last Federal or State census, shall be deemed an independent taxing district, subject to the provisions of this Act.

Section 2. Not later than the fifteenth day of April, 1921, and not later than the first day of January of each odd numbered year thereafter, the County Commissioners of the county to which such unorganized county is attached, shall appoint a competent and suitable person as assessor in each unorganized county within this State, as defined in Section 1 of this Act, who shall be resident of the unorganized county for which he is appointed, and shall serve for a term of two years, or until his successor is appointed and shall qualify. If any person so appointed fails to take the oath or furnish the bond hereinafter required, within the time prescribed, such failure shall be deemed a refusal to serve and the office shall be deemed vacant. In case of vacancy by failure to qualify, resignation or otherwise, the office shall be filled by appointment as herein provided, for the unexpired term.

Section 3. Each person appointed as assessor for any unorganized county under the provisions of this Act, shall, within fifteen days after receiving notice of his appointment, and before entering upon the duties of the office, take, subscribe and file with the Secretary of State, the oath of office prescribed by the Constitution of this State and shall execute and file a bond in a penal sum of five hundred dollars for the faithful performance of the duties of the office, running to the State of South Dakota, with good and sufficient surety thereon.

Section 4. The assessor in each unorganized county as provided for in this Act, shall not later than the first day of July each year, file with the County Auditor of the county to which such unorganized county is attached for judicial and other purposes, a complete return as the same is now required of county, city, town and township assessors.

Section 5. Each assessor provided for by this Act, shall receive not to exceed five dollars per day for the time actually and necessarily employed in making and completing the assessment. Provide, that he shall receive not to exceed two hundred dollars as per diem for such work in any one year. Provide, however, that in addition to the per diem that he shall receive, he shall be paid for the necessary expense incurred while performing the duties of his office, such per diem and expense to be paid from the proper fund in the hands of the County Treasurer, belonging to such unorganized county, upon vouchers properly drawn on any funds available for such purpose.

Approved March 8, 1921.

Banks and Banking

CHAPTER 132.

(H. B. 365.)

SUBMITTING TO A VOTE OF THE PEOPLE INITIATED MEASURE DECLARING THE PURPOSE OF THE STATE TO ENGAGE IN THE BANKING BUSINESS UNDER THE NAME OF THE BANK OF SOUTH DAKOTA.

AN ACT Entitled, An Act Enacting and Submitting to a Vote of the Electors of the State a Proposed Law entitled "An Act Declaring the Purpose of the State of South Dakota to Engage in the Banking Business and to Establish a System of Banking Under the Name of the Bank of South Dakota, Operated by the State, and Defining the Scope and Manner of its Operation and the Powers and Duties of the Persons Charged With its Management; Making an Appropriation Therefor; and Providing Penalties for the Violations of Certain Provisions Thereof."

Whereas Under the Provisions of Section 1 of Article 3 of the Constitution of the State of South Dakota and Sections 5067 to 5074 Inclusive of the South Dakota Revised Code of 1919 a Petition has been Filed in the Office of the Secretary of State, Signed by More Than Five Per Centum of the Qualified Electors of the State in the Manner and Form Therein Directed, Petitioning that the Following Proposed Law be Enacted and Submitted to a Vote of the Electors of the State at the Next General Election, Certified Copies of Said Petition Having Been Transmitted to the Senate and House of Representatives by the Secretary of State.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That the following Act be and the same is hereby enacted and submitted to a vote of the electors of the State at the next general election to be held in the year 1922, for their approval.

An Act declaring the purpose of the State of South Dakota to engage in the Banking Business and to establish a system of banking under the name of the Bank of South Dakota, operated by the State and defining the scope and manner of its operation and the powers and duties of the persons charged with its management; making an appropriation therefor; and providing penalties for the violations of certain provisions thereof.

BE IT ENACTED BY THE PEOPLE OF SOUTH DAKOTA:

Section 1. For the purpose of developing the resources and improving the economic facilities of South Dakota, the State of South Dakota shall engage in the business of banking, and for that purpose shall, and does hereby, establish a system of banking owned, controlled and operated by it, under the name of the Bank of South Dakota.

Section 2. A commission is hereby created and established to conduct and manage, on behalf of the State of South Dakota, the system of banking hereby established by it. It shall be known as the Industrial Commission of South Dakota, but may be designated as the Industrial Commission. The Industrial Commission shall consist of three members, namely:

The Governor, the Attorney General, and the State Auditor, of the State of South Dakota. Two members shall constitute a quorum for the transaction of business. The first meeting of the Commission shall be held in the office of the Governor. Its meetings thereafter shall be

held at such times and places as the Governor or a majority of the Commission may determine. It shall be provided by the proper authorities with suitably furnished offices at the seat of Government.

Section 3. The Industrial Commission shall operate, manage and control the Bank of South Dakota, locate and maintain its places of business, of which the principal place shall be within the State, and make and enforce orders, rules, regulations and by-laws for the transaction of its business. The business of the Bank, in addition to other matters herein specified, may include anything that any bank may lawfully do, except as herein restricted but this provision shall not be held in any way to limit or qualify either the powers of the Industrial Commission herein granted, or the functions of said Bank herein defined. The Industrial Commission shall meet within twenty days after the passage and approval of this Act to begin the organization of the Bank.

Section 4. To accomplish the purpose of this Act, the Industrial Commission shall acquire, by purchase, lease or by exercise of the right of eminent domain, as provided by Section 13, of Article 6 of the Constitution of the State of South Dakota, all requisite property and property rights, and may construct, remodel and repair buildings.

Section 5. The Industrial Commission shall obtain such assistance as in its judgment may be necessary for the establishment, maintenance and operation of the bank. To that end it shall appoint a manager, and may appoint such subordinate officers and employees as it may judge expedient. It may constitute such manager its general agent, in respect to the functions of said Bank, but subject, nevertheless, in such agency, to the supervision, limitation and control of the commission. It shall employ such contractors, architects, builders, attorneys, cashiers, tellers, clerks, accountants, and other experts, agents and servants as in the judgment of the commission the interests of the State may require, and shall define the duties, designate the titles, and fix the compensation and bonds of all such persons so engaged; provided, however, that subject to the control and regulations of the commission, the manager of the Bank shall appoint and employ such deputies, cashiers, tellers, and subordinates, and such contractors, architects, builders, attorneys, clerks, accountants and other experts, agents and servants, as he shall, in his judgment, deem are required by the interests of the Bank. The total compensation of such appointees and employees, together with other expenditures for the operation and maintenance of the Bank, shall remain within the appropriation and earnings lawfully available in each year for such purpose. All officers and employees of the Bank engaged upon its financial functions, shall, before entering upon their duties, respectively furnish good and sufficient bonds to the State in such amount and upon such conditions as the commission may require and approve; but the bond of the Manager shall not be less than fifty thousand dollars. Such bond shall be filed with the Secretary of State.

Section 6. The Industrial Commission may remove and discharge any and all persons appointed in the exercise of the powers granted by this Act, whether by the Commission or by the Manager of the Bank, and any such removal may be made whenever in the judgment of the Commission the public interests require it; provided, however, that all appointments and removals contemplated by this Act shall be so made as the Commission shall deem most fit to promote the efficiency of the public service.

Section 7. The Bank shall be open and shall proceed to transact business whenever there shall be delivered to the Industrial Commission

bonds in the sum of two million dollars issued by the State as hereinafter provided for such purpose. The fund procured by the negotiation and sale of such bonds is hereby designated and shall be known as the capital of said Bank.

Section 8. The State Treasurer is hereby directed forthwith to prepare for issue, and the Governor and the State Treasurer are hereby authorized, empowered and directed to issue, negotiable bonds of the State of South Dakota in the aggregate amount of two million dollars. They shall be executed by the Governor and the State Treasurer under the Great Seal of the State and shall be attested by the Secretary of State. The Auditor and Secretary of State shall endorse and sign on each bond a certificate showing that it is issued pursuant to law and is within the limit of indebtedness allowed for such purposes. The bonds so issued shall be designated "Bonds of South Dakota, Bank Series."

Section 9. The bonds so issued shall be payable to the purchaser or bearer. They shall be issued in denominations of from five dollars to ten thousand dollars, and shall be payable in not less than ten or more than thirty years from the passage of this Act. They shall bear interest at a rate not exceeding six per cent per annum from their date until maturity, payable semi-annually on the first day of January and of July in each year; and coupons shall be attached to each bond evidencing the amount of interest payable at each first day of January and July until maturity. Principal and interest shall be payable at the office of the State Treasurer in Pierre. The terms of said bonds, as to values of denominations, periods of maturity and rates of interest, shall be fixed by the Governor in his sound judgment, within the limitations above stated. Every such bond and coupon must be presented for payment at the office of the State Treasurer within six years from the date of its maturity, and no such bond or coupon shall bear interest after maturity unless payment thereof shall not be made upon due presentation for payment. All said bonds shall be exempt from State, county and municipal taxes of any and all kinds.

Section 10. The said issue of bonds is authorized for the purpose of making delivery thereof to the Industrial Commission of South Dakota as hereinafter provided.

Section 11. In furtherance of the purposes declared by this Act, it is hereby made the duty of the Governor and the State Treasurer after the issue, execution, sealing and attestation of said bonds, to deliver them to the Industrial Commission, in such denominations and amounts, bearing interest at such rates, and running to such periods of maturity as may be determined by the Governor, in his discretion, upon consideration of such recommendations as the Commission may make in regard thereto. The Industrial Commission is empowered authorized and directed, in connection with and in addition to its other powers and duties, to act as the agent of the State for the negotiation, sale and delivery of said bonds. It shall sell them for cash in such manner and at such terms as in its sound discretion it shall deem most advantageous to the interests of the State. The Commission is hereby authorized to receive all moneys paid by buyers of said bonds, upon the sale thereof, and upon receipt of the purchase price to deliver to each purchaser the bonds by him purchased. Upon such delivery of bonds so purchased and paid for, the faith and credit of the State of South Dakota is pledged for the payment thereof, both principal and interest, to the lawful holder and owner thereof upon presentation for payment, according to law. The moneys so derived and received from the sale

of said bonds shall constitute the fund to be designated as the capital of the Bank of South Dakota, and shall be so employed by the Industrial Commission. Nothing in this Act, however, shall be construed to prevent the purchase of any of said bonds with any funds in the Bank of South Dakota.

Section 12. From time to time the Industrial Commission shall, out of the earnings derived from the operation of the Bank of South Dakota, pay to the State Treasurer such moneys as the Commission shall deem available to devote to the purpose of paying said bonds and interest. In making such payment the Commission shall file a statement with the State Treasurer specifying the purpose of such payment. When moneys shall have been so paid to the State Treasurer, he shall apply the same to their specified purpose as hereinafter directed.

Section 13. At the time of each annual meeting of the State Tax Commission hereafter, the Industrial Commission shall deliver to said board an exact written statement of all bonds issued under the provisions of this Act outstanding at that time, including therein the dates of maturity, interest rates and all other information proper to enable the Tax Commission intelligently to comply with the provisions of this Act in regard to tax levies. On the basis of such information the State shall annually levy a tax, at the time other taxes are levied, sufficient in amount to pay such interest on said bonds as will become due during the year beginning on the next ensuing first day of January, and said tax shall be collected in the same manner as other State taxes are collected. In determining, however, the amount of the tax sufficient for such purpose the Tax Commission shall take into account whatever moneys, if any, shall then have been paid to the State Treasurer by the Industrial Commission as provided in Section 5 of this Act, for the specific purpose of paying such interest. The Tax Commission shall apply to the State Treasurer for information as to the amount of such moneys, and he shall forthwith supply the information requested. If the amount of such moneys shall equal or exceed the amount of interest on said bonds payable during said year beginning on the next ensuing first day of January, then no tax shall be levied by the Tax Commission for that purpose; but if the amount of such moneys shall be less than the amount of the interest on said bonds payable during said year, then the Tax Commission shall deduct the amount of said moneys in the possession of the Treasurer from the amount of the interest so payable, and shall levy the tax hereinbefore in this section provided for at least the difference between said amounts.

Section 14. Whenever it shall appear to the Tax Commission from the information contained in any statement delivered to it by the Industrial Commission at any annual meeting of said Commission, as provided in Section 13 above, that there will mature, within a period of five years from such annual meeting, any of the bonds provided for in this Act, the Tax Commission shall thereupon, at such annual meeting, levy a tax in an amount equal to one-fifth of the amount of the principal of such bonds; provided, however, that in determining the amount of such tax, the Tax Commission shall take into account whatever moneys if any shall have been paid to the State Treasurer by the Industrial Commission for the specific purpose of paying the principal of said bonds when due, as provided in Section 12 of this Act. The Tax Commission shall apply to the State Treasurer for information as to the amount of such moneys and as to the times when paid to him. If the amount of such moneys, paid to the Treasurer since the date of the last preceding tax levy made by the Tax Commission, shall equal or exceed one-fifth of

the amount of the bonds so to mature, then such tax shall not be levied, but if the amount of such moneys, paid to the State Treasurer since the date of the last preceding tax levy, shall be less than one-fifth of the amount of said bonds so to mature, then the Tax Commission shall deduct the amount of such moneys, so paid, from such one-fifth of said bonds, and shall levy the tax, hereinbefore in this section provided, for the difference. It is the intention of this section to provide that in each of the last five years, before the maturity of any of said bonds, a State Tax shall be levied which, together with such moneys as shall during the next preceding year have been paid to the State Treasurer by the Industrial Commission for the purpose, shall be at least sufficient to pay one-fifth part of the principal of said bonds.

Section 15. To identify and distinguish the funds provided and available for the payment of the bonds issued pursuant to this Act, there is hereby created and established, as a part of the moneys of the State received and kept by the State Treasurer, a fund to be designated the "Bank Bond Payment Fund." All moneys received by the State Treasurer, whether from the proceeds of taxes, or from payments made by the Industrial Commission or from legislative appropriation, or otherwise, which shall be by law or by other authoritative designation made applicable to the payment of the said bonds, or interest thereon, shall be by him kept in said fund distinct from all other moneys, and shall be disbursed by him only for the particular purpose or purposes for which such moneys shall be delivered to him; and no other appropriation shall ever be made of the moneys in said fund until the said bonds shall be fully paid. But this Act shall not be construed as preventing the State Treasurer from depositing said funds in the Bank of South Dakota, as provided by law with respect to all public funds.

Section 16. There is hereby appropriated all of the moneys obtained as proceeds of the taxes provided for in Sections 13 and 14 above, and all moneys paid to the State Treasurer by the Industrial Commission as specified in Section 12 above, and all moneys constituting the Bank Bond Payment Funds, or so much thereof as may be from time to time necessary, to pay the interest and principal upon the said bonds as payments thereon, shall become due; and whenever any of said bonds, or any coupons thereon, being due, shall be presented for payment, the State Treasurer shall pay the same out of the fund applicable thereto. If for any reason the said fund shall for the time being, be insufficient the Treasurer shall supply the deficiency out of any other available moneys of the State in his custody; but in that case he shall as soon as possible, out of the Bank Bond Payment Fund, return the amount of such deficiency to the source whence taken.

Section 17. The Industrial Commission may establish branch banks in any city or cities within the State, and upon petition of 30 per cent of the electors of any city it shall establish such branch bank in such city within three months after the receipt of such petition.

Section 18. All State, county and rural credits, township, municipal and school district funds, and funds of all penal, charitable, educational and industrial institutions, and all other public funds shall be, by the person having control of such funds, deposited in the Bank of South Dakota within three months from the passage and approval of this Act, subject to disbursement for public purposes on checks drawn by the proper officials in the manner now or hereafter to be provided by law; provided, however, that on a proper showing made by any official having control of public funds, except those of the State, the Industrial Commission may permit a postponement of the deposits of

such funds or any part thereof in the Bank of South Dakota, the period of such postponement not to exceed six months.

Provided, further, that where branch banks have been established in any city or cities within such county the funds of the county, townships, municipalities and school districts within such county, shall be deposited with such branch banks.

And provided, further that if any such funds are now loaned by authority of law under a contract terminating at a future time, then the deposit of such funds in the Bank of South Dakota shall not be required until two months after the time of expiration of such contract. Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in a county jail for not less than ninety days, and by a fine of not less than one hundred dollars.

Section 19. Whenever any of the public funds hereinbefore designated shall be deposited in the Bank of South Dakota, as hereinbefore provided, the official having control thereof, and the sureties on the bond of every official, shall be exempt from all liability by reason of loss of any such deposited funds while so deposited.

Section 20. The Bank of South Dakota may receive deposits from any source, including the United States Government and any foreign or domestic individual, corporation, association, municipality, bank or government. Funds may be deposited to the credit of the bank of South Dakota in any bank or agency approved by the Industrial Commission.

Section 21. All deposits in the Bank of South Dakota are hereby guaranteed by the State. Such deposits shall be exempt from State, county and municipal taxes of any and all kinds.

Section 22. Funds deposited by State Banks in the Bank of South Dakota shall be deemed "available funds" and shall not be loaned or used for speculative or non-productive purposes, nor shall the funds of the Bank of South Dakota to be loaned for speculative purposes. For banks that make the Bank of South Dakota a reserve depository, it may perform the functions and render the services of a clearing house, including all facilities for providing domestic and foreign exchange, and may re-discount paper, on such terms as the Industrial Commission shall provide.

Section 23. The Industrial Commission, unless otherwise limited by law, shall from time to time fix the rates of interest allowed and received in transactions of the Bank. Such rates shall be as nearly uniform and constant as practicable, and shall not be fixed or changed to work any discrimination against or in favor of any person or corporation. But in respect to time deposits received by the Bank, transactions may be reasonably classified as to the amounts and the duration of time involved, and a reasonable differentiation of interest rates based on such classification may be allowed. When interest is allowed on any deposits it shall not be less than one or more than seven per cent. The Industrial Commission shall also fix reasonable charges, without unjust discrimination, for any and all services rendered by the Bank.

Section 24. All checks and other instruments and items of exchange payable on demand, sent by the Bank of South Dakota to any State bank or banking association in South Dakota, for collection, shall by such State bank or banking association remitted for at par to the Bank of South Dakota. Any person or corporation who shall violate any of the provisions of this section shall be guilty of a misdemeanor.

Section 25. The Bank of South Dakota may deposit funds in any bank or banking association within or without the State upon such terms and conditions as the Industrial Commission shall determine.

Section 26. The Bank of South Dakota may transfer funds to other departments, institutions, utilities, industries, enterprises or business projects of the State, which shall be returned with interest to the Bank. It may make loans to counties, cities or political subdivisions of the State, or to State or national banks, or to individuals, associations, and private corporations, on such terms, and under such rules and regulations, as the Industrial Commission may determine; and it may make loans or give its credit to any individual, association or private corporation, secured by duly recorded first mortgages on real estate in the State of South Dakota in amounts not to exceed one-half the value of the security, or secured by warehouse receipts issued by the Industrial Commission or by any licensed warehouse within the State, in amounts not to exceed ninety per cent of the value of the commodities evidenced thereby. It shall not, however, loan on real estate security more than thirty per cent of its capital, nor in addition thereto, more than twenty per cent of its deposits. Additional funds, that may be required for such real estate loans, shall be procured from the sale of State bonds as may be provided by law.

Section 27. The industrial Commission shall prescribe the forms of application for a mortgage loan on real estate, and shall provide for appraisal of the proposed security. Until otherwise provided by the Commission, when an application for a mortgage loan on real estate is made, it shall be referred to the Commissioner of School and Public Lands, for appraisal of the proposed security. The Commissioner of School and Public Lands, shall thereupon promptly cause it to be appraised in the same manner as school lands are appraised, and upon completion of such appraisal shall return the application, together with the appraisal, to the Bank. Thereupon the Bank shall promptly determine whether to grant or refuse any part or all of such loan. Provided, that no loans shall be made to any but actual farmers residing at the time on the premises to be mortgaged.

Section 28. Every such mortgage shall contain an agreement providing for the repayment of the loan on an amortization plan by means of a fixed number of annual installments sufficient to cover, first, a charge on the loan at a rate not exceeding the interest rate in the last series of real estate loan bonds issued, if any, by the State of South Dakota; second, a charge for administration and surplus, at a rate not exceeding one per cent per annum on the unpaid principal, said two rates combined constituting the interest rate on the mortgage; and, third, such amounts to be applied on the principal as will extinguish the debt in not less than ten nor more than thirty years; provided, however, that advanced payment of one or more annual installments, for the reduction of the principal, or the payment of the entire principal, may be made at any regular installment date; and, provided further, that in case of a crop failure which reduces the mortgagor's reasonable crop income by one-half, all payments under said mortgage may, in the discretion of the Industrial Commission, be extended for one year, upon condition that on the payment of all installments, such further annual payment shall be made as will pay the interest, with interest thereon, for the years for which no payments were made. The Industrial Commission shall determine whether a mortgagor is entitled to an extension of the payment of any installment under the provisions of this section.

Section 29. Every such mortgage, and the note or other obligation thereby secured, shall run to "The Manager of the Bank of South Dakota, his successors in office or his assigns," as payee and mortgagee, and shall contain a recital that it is executed and delivered in conformity with and upon the conditions expressed in this Act, designated by its title and the date of its approval. After having been duly recorded in each county in which the lands therein described are situated, every such mortgage shall be delivered to the Manager of said bank and together with said note or other obligation shall be held by the Manager as a part of the assets of the bank, or shall be otherwise disposed of, as hereafter provided. If so held, payments upon the note or other obligations secured by said mortgage shall be made to the Bank of South Dakota, and whenever it shall have been fully paid, the Manager shall promptly satisfy and discharge the mortgage lien of record and deliver the mortgage cancelled, with a satisfaction thereof to the person entitled to receive it.

Section 30. Every such mortgage, together with the note or other obligation, thereby secured, may be sold and assigned upon the payment to the bank of the full value thereof, and upon such sale and assignment, the Manager may endorse either with or without recourse. In that case payments upon said note or other obligation shall be made to the person entitled to receive them; but each such assignment shall be made subject to the provisions concerning extension of the time of payments on account of crop failures as provided in Section 28 of this Act, and subsequent action of the Industrial Commission in that regard shall be binding upon the assignee of such mortgage; provided, however, that after assignment of such mortgage extensions of payments for a yearly period shall be limited in total number to not more than one for every period of five years or fraction thereof during which such mortgage has to run after the date of assignment.

Section 31. Every such mortgage, together with the note or other obligation thereby secured, may be assigned, and upon order of the Industrial Commission shall be assigned, to the State Treasurer of the State of South Dakota as security for bonds to be issued by the State as provided by law. In case of such assignment all payments due upon said note or other obligation shall be made to the State Treasurer, and the money so by him received shall be by him held or disbursed as may be provided by law. If while any such mortgage so assigned to the State Treasurer is in his hands, the note or obligation thereby secured shall have been fully paid, the State Treasurer shall so certify to the Manager of the Bank, who shall thereupon proceed to satisfy said mortgage in the same manner as though said note or other obligation had been paid directly to the bank. In case of such assignment to the State Treasurer of any such mortgage, the provisions contained in Section 19 of this Act, respecting extensions on account of crop failure, shall be effective and shall be applied.

Section 32. The powers and duties of the Rural Credits Commission shall be assumed as speedily as possible by the Bank of South Dakota.

Section 33. All business of the bank may be conducted under the name of "The Bank of South Dakota." Title to property pertaining to the operation of the bank shall be obtained and conveyed in the name of "The State of South Dakota, doing business as the Bank of South Dakota." Written instruments shall be executed in the name of the State of South Dakota, signed by any two members of the Industrial Commission, of whom the Governor shall be one, or by the Manager of

the Bank of South Dakota within the scope of his authority so to do as defined by the Industrial Commission.

Section 34. Civil actions may brought against the State of South Dakota on account of causes of action claimed to have arisen out of transactions connected with the operation of the Bank of South Dakota, upon condition that the provisions of this section are complied with. In such actions the State shall be designated as "The State of South Dakota, doing business as the Bank of South Dakota," and the service of the process therein shall be made upon the Manager of said bank. Such actions may be brought in the same manner and shall be subject to the same provisions of law as other civil actions brought pursuant to the provisions of the Code of Civil Procedure. Such actions shall be brought, however, in the county where the Bank of South Dakota shall have its principal place of business.

Section 35. The State Examiner shall personally or through deputy examiners visit the Bank of South Dakota at least twice annually, and shall inspect and verify the assets in its possession and under its control, with sufficient thoroughness of investigation to ascertain with reasonable certainty whether the valuations are correctly carried on its books. He shall investigate its methods of operation and accounting. He shall report the results of each such examination and investigation to the Industrial Commission as soon as practicable, and to the Legislature at its next ensuing session and to the Guaranty Fund Commission.

Section 36. There is hereby appropriated out of the general funds of the State, not otherwise appropriated, one hundred thousand dollars, or so much thereof as may be necessary, to carry out the provisions of this Act. This appropriation is hereby made available immediately upon the passage and approval of this Act. The Industrial Commission shall, out of the earnings of the bank make provision for accumulating a fund with which to replace in the general fund of the State, the amount received by the Commission under this appropriation, as may be directed by the Legislature.

Section 37. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

Approved March 12, 1921.

CHAPTER 133.

(H. B. 229)

RELATING TO ENTERING A BANK WITH INTENT TO COMMIT A FELONY.

AN ACT Entitled, An Act Making it a Felony for Any Person to Enter Any Room Wherein, in Whole or in Part, a General Banking Business is Carried On, or Wherein in Whole or in Part, a Business of Receiving Securities, Evidence of Debts or Any Other Valuable Papers on Deposit or for Safe-keeping, in Which There is at That Time a Human Being, With Intent to Commit a Felony Therein by Means of Threats, Force or Violence, and Prescribing the Punishment Therefor.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Imprisonment For Bank Robbers.] Every person, who with intent to commit a felony therein by means of threats, force or violence, shall enter at any time, any room wherein in whole or in part a general banking business is carried on, or any room wherein, in whole or in part, the business of receiving securities, evidence of debt or any other valuable papers for deposit or safe-keeping is carried on, or wherein, in whole or in part, a business of general banking and receiving securities, evidence of debt or any other valuable papers, on deposit or for safe-keeping, is carried on, in which room there shall be at the time a human being, shall be guilty of a felony and punished by imprisonment in the State Penitentiary for not less than ten years or life in the discretion of the court.

Section 2. Whereas, this Act is necessary for the immediate preservation of the public peace and safety, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1921.

CHAPTER 134.

(H. B. 335)

RELATING TO DEPOSITORS' GUARANTY FUND.

AN ACT Entitled, An Act to Amend Section 9020, South Dakota Revised Code of 1919, Relating to Banks and Banking, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 9020 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 9020. Deposits—Payment.] When any bank doing business under the provisions of this chapter suspends or becomes insolvent, the Superintendent of Banks shall forthwith proceed to determine the amount necessary to pay the unsecured depositors and holders of exchange in good faith, in full, and cause the same to be certified to the Depositors' Guaranty Fund Commission, which shall thereupon draw against the Depositors' Guaranty Fund on deposit in the several banks in the amount thus certified, and the Treasurer of such com-

mission shall immediately transmit the amount to the Superintendent of Banks, to be applied in payment of the deposits and out-standing exchange due such depositors and holders of exchange in good faith; provided, that if there should not be sufficient funds in the Depositors' Guaranty Fund to pay such claims, such Commission shall issue a certificate of indebtedness, negotiable in form, against the Depositors' Guaranty Fund, and in favor of such bank, drawing interest at the rate of not to exceed seven per cent per annum, which certificate of indebtedness shall become due and payable on the first day of March next succeeding the date of issue thereof and shall be paid out of the first money accruing to the Depositors' Guaranty Fund. Such certificates of indebtedness may be sold or assigned at not less than their face value by the Superintendent of Banks and the proceeds used by him for the purpose of paying the deposits of such bank which are legitimate claims against the Depositors' Guaranty Fund. Such certificates may, however, in the discretion of the Guaranty Fund Commission, be issued payable to the depositors of such bank for the amounts of their approved claims, drawing interest at a rate of five per cent per annum. Such drafts against the Depositors' Guaranty Fund shall be prorated, as nearly as may be, among the several solvent banks wherein such fund is kept and maintained, in accordance with the amounts thereof held by such banks respectively.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1921.

CHAPTER 135.

(H. B. 32)

RELATING TO SUPERINTENDENT OF BANKS.

AN ACT Entitled, An Act to Amend Section 8918 of the Revised Code of 1919, Relating to Banks and Banking, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 8918 of the South Dakota Revised Code of 1919 be amended to read as follows:

Section 8918. Superintendent of Banks, Deputy, Clerks, Officers.] The Superintendent of Banks shall be appointed by the Governor, by and with the advice and consent of the Senate, and such appointment shall be for a term of four years, or until his successor shall have been appointed and qualified, unless sooner removed by the Governor for good cause; provided, that no person shall be eligible to the office of Superintendent of Banks without first having had at least three years actual, practical experience in the general banking business, or served for a like period in the banking department of this or some other state. The Superintendent of Banks may, with the consent and approval of the Governor, appoint a Deputy Superintendent of Banks and such Examiners, Special Examiners and Examiners in Charge as he shall deem necessary to assist him or his deputy in the discharge of the sev-

Laws—15.

eral duties imposed upon them; he may employ from time to time such clerks or stenographers as he may deem necessary to a proper and orderly discharge of the duties of his office, and all of such appointments shall be subject to revocation at any time by the Superintendent of Banks.

The Deputy Superintendent of Banks shall devote all of his time to the duties of his office and shall be a person who has had at least three years of experience in the general banking business or has served for a like period in the banking department of this or some other state. The Deputy Superintendent shall be first in authority in the department under the Superintendent of Banks and during the absence or inability of the Superintendent or during a vacancy in the office of the Superintendent, he shall possess all the powers and perform the duties attached to the office of Superintendent, during such vacancy.

The salary of the Superintendent of Banks shall be forty-five hundred dollars per annum; the salary of the Deputy Superintendent of Banks shall be not to exceed three thousand (\$3,000.00) dollars per annum. No Superintendent of Banks or Deputy Superintendent of Banks or any Examiner, Special Examiner or Examiner in Charge shall be a stockholder or in any manner interested in any bank, trust company or building and loan association within the state. The salaries of the Superintendent, Deputy and Examiners shall be paid from the general fund of the state; the salaries of Special Examiners, clerks and stenographers shall be paid from the contingent fund of the Superintendent of Banks and the maintenance expense of the office and all actual and necessary expenses of the Superintendent, Deputy, Examiners, Special Examiners, clerks and stenographers, incurred in the discharge of their duties, shall be paid from the contingent fund of the Superintendent of Banks.

Before entering upon the discharge of their duties, the Superintendent, the Deputy, the Examiners, the Special Examiners and the Examiners in Charge shall take and subscribe the oath of office prescribed by the Constitution and each shall give to the State a bond to be approved, recorded and filed as the official bonds of other State officers, conditions for the faithful discharge of the duties of their respective offices in the following sums: The Superintendent, twenty-five thousand dollars; the Deputy Superintendent, twenty-five thousand dollars; the Examiners and Special Examiners each ten thousand dollars; the premium thereon to be paid as provided in Chapter 318 of the Session Laws of 1919.

Section 2. Whereas, this Act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved March 1, 1921.

CHAPTER 136.

(H. B. 336)

RELATING TO POWERS OF SUPERINTENDENT OF BANKS AND OF THE
GUARANTY FUND COMMISSION.

AN ACT Entitled, An Act Relating to Banks and Banking and Granting Additional Powers and Duties to the Superintendent of Banks and the Guaranty Fund Commission, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Whenever it shall appear to the Guaranty Fund Commission that the business of any bank is being conducted in an unsafe or unauthorized manner, or that it is unsafe or inexpedient to continue business, or that its reserve is below the legal requirements, the Superintendent of Banks may, with the advice and consent of the Guaranty Fund Commission, by himself or his Deputy or any Examiner designated by him for that purpose, take charge and control of the property and business of such bank, and manage it as a going concern. He, or such Deputy or Examiner, may perform all the duties and powers of the officers and directors of such bank while so managing the same, and all salaries and expenses of the Department of Banking and Finance in connection therewith shall be paid by the bank.

Section 2. The Guaranty Fund Commission may at any time draw against the Guaranty Fund on deposit in the several banks of the State, and the Treasurer of the Commission shall immediately transmit the amount of such draft to the Superintendent of Banks to be used by him as a deposit in any bank managed by him under Section 1 of this Act, and for no other purposes. Provided, however, that the Guaranty Fund Commission may direct that the amount so withdrawn be deposited in some bank or banks within or without this State, until such time as it may be necessary for the Superintendent of Banks to use such fund or any part thereof for the purpose of making deposits in the banks being managed by him. The total amount of money so withdrawn from the Guarantee Fund for the purposes of this Act, shall never at any one time exceed fifteen (15) per cent of the total amount in such fund. Any deposit of funds from the State Guaranty Fund in banks being managed by the Superintendent of Banks shall be a first lien on all the unpledged property and assets of the bank, and in case of suspension and liquidation, shall be paid out of such property and assets before any other claims against the bank are paid. The Superintendent of Banks may take charge of such bank at any time for the purpose of liquidation under the circumstances now authorized by law or may return the management of its affairs to its proper officers whenever such deposit has been fully repaid to the Guaranty Fund, and the reasons for assuming control and management by the Superintendent of Banks under Section 1 of this Act no longer exist. The money so deposited, with interest, shall be paid back to the Guaranty Fund in whole or in part by the bank whenever the Superintendent deems it advisable, and such deposit shall bear interest at a rate to be fixed by the Guaranty Fund Commission. The Treasurer of the Commission shall issue a receipt to each bank from which funds are withdrawn from the Guaranty Fund under this Act, showing the amount withdrawn. A report shall be made to all mem-

ber banks annually on January 1st, by the Commission, showing the condition of the Fund so withdrawn.

Section 3. Whereas, this Act is necessary for the immediate preservation of the public safety and for the support of the State Government and its existing institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1921.

Bastardy

CHAPTER 137.

(S. B. 212)

RELATING TO BASTARDY PROCEEDINGS.

AN ACT Entitled, An Act to Amend Sections 2981 and 2985 of the South Dakota Revised Code of 1919, Relating to Bastardy Proceedings, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 2981 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 2981. Complaint.] When an unmarried woman who shall be pregnant or delivered of a child, which by law would be deemed a bastard, shall make a complaint to any committing magistrate of the county where she may be so pregnant or delivered, or the person accused may be found, and shall accuse, under oath or affirmation, a person with being the father of such child, it shall be the duty of such magistrate to issue a warrant against the person so accused and cause him to be brought forthwith before him, or in his absence any other magistrate in such county. The word "justice" as used in Section 2982 of this chapter shall be construed to refer to any committing magistrate before whom such proceeding is brought.

Section 2. That Section 2985 of the South Dakota Revised Code of 1919, be and the same is hereby amended to read as follows:

Section 2985. Judgement, Penalty.] In case the issue be found against the defendant, he shall be adjudged by the court to pay a sum of money not exceeding Five Hundred Dollars for the first year after the birth of such child, and not exceeding three hundred dollars yearly for ten years succeeding said first year, for the support, maintenance and education of such child, and shall be adjudged to pay the costs of prosecution; and he shall be required by said court to give an undertaking with sufficient sureties, to be approved by the judge of said court, for the payment of such sums of money, which undertaking shall be made payable to the State of South Dakota, and conditioned for the due and faithful payment of said yearly sum in quarterly installments to the Clerk of the court.

Section 3. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1921.

Board of Regents

CHAPTER 138.

(H. B. 340)

RELATING TO OFFICERS, INSTRUCTORS AND EMPLOYEES OF EDUCATIONAL INSTITUTIONS.

AN ACT Entitled, An Act to Amend Section 5574 of the South Dakota Revised Code of 1919, Empowering the Board of Regents to Provide for Sabbatical Leave on Part Pay.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 5574 of the South Dakota Revised Code of 1919, be and the same is hereby amended to read as follows:

Section 5574. The Board of Regents is authorized to employ and dismiss all officers, instructors and employees of such institutions, necessary to the proper management thereof, to determine their number, qualifications and duties, fix the term of their employment, and rate and manner of their compensation, and provide for sabbatical leave on part pay; provided, that no person shall be employed or dismissed by reason of any sectarian or political opinions held.

Approved March 4, 1921.

Carriers

CHAPTER 139.

(H. B. 224)

DEFINING COMMON CARRIERS.

AN ACT Entitled, An Act to Amend Section 1157 of the Revised Code of the State of South Dakota of 1919, Relating to Common Carriers.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 1157 of the Revised Code of 1919 of the State of South Dakota be amended to read as follows:

Section 1157. Defined.] Every person or corporation who offers to the public to carry persons, properties or messages, and every pipe line for the transportation of oil or gas in this State is a Common Carrier of whatever he thus offers to carry, and for the purpose of acquiring necessary right of way, every such person or corporation is hereby granted the right of condemnation by eminent domain as provided in Chapter 8, Part 9, Title 2 of this Code.

Approved March 4, 1921.

Central Heating Associations

CHAPTER 140.

(S. B. 150)

RELATING TO CONTRACTS WITH SUCH ASSOCIATIONS.

AN ACT Entitled, An Act Relating to the Maintenance of Central Heating Corporations or Associations by Counties, Municipal Corporations, and Religious, Fraternal or Benevolent Societies, Associations or Corporations.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. The Board of County Commissioners, the governing body of any municipal corporation, the Board of Trustees or directors of any religious, fraternal or benevolent society, association or corporation shall have power and authority to enter into a contract with a central heating corporation or association for the purpose of securing heat, building and maintaining its mains in front of or alongside its property, and shall have the right to use the funds of said county, municipal corporation, or religious, fraternal or benevolent society, association or corporation for the purposes herein mentioned.

Section 2. Whereas, this Act is necessary for the immediate preservation of the public peace, health and safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1921.

Children

CHAPTER 141.

(H. B. 244)

RELATING TO DEPENDENT, NEGLECTED OR DELINQUENT CHILDREN.

AN ACT Entitled, An Act to Amend Sections 9995 and 9998 of the South Dakota Revised Code of 1919, Relating to Dependent, Neglected or Delinquent Children.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 9995 of the South Dakota Revised Code of 1919, be, and hereby is, amended to read as follows:

Section 9995. Probation Officer.] The County Court shall have authority to appoint any number of discreet persons of good moral character, to serve without compensation as probation officers, during the pleasure of the Court. In cases affecting girls, such probation

officers shall be women. All probation officers provided by this article shall take an oath such as may be required of other county officers, to perform their duties, which oath, together with the order appointing such probation officer, shall be filed in the office of the Clerk of Courts, and they shall possess all the power and authority of peace officers to make arrests and perform any other duties ordinarily required or performed by peace officers which may be incident or convenient to the performance of their duties. If any probation officer shall have been appointed by any Court, it shall be the duty of the Clerk of Court, if practicable, to notify such probation officer in advance when any such child is to be brought before the court; it shall be the duty of such probation officer to make such investigation as may be required by the Court; to be present in Court in order to represent the interest of the child when the case is heard; to furnish to the Court such information and assistance as the Judge may require; and to take charge of the child before and after trial, as may be directed by the Court; provided, that in all counties of this State having fifteen thousand or more population, which shall be determined as provided by Section 5818, the County Judge shall have authority to designate some suitable person to act as probation officer or head probation officer, during the pleasure of the Court, and such probation officer shall be paid a suitable compensation for his services, such compensation to be fixed by the Board of County Commissioners and to be paid out of the County Treasury. Such Board may, if it deems it necessary or advisable, upon recommendation of the County Judge, provide for the employment of additional probation officers and shall have like authority to fix their compensation, and if such additional probation officers are authorized the same shall be appointed by the County Judge and be paid out of the County Treasury, in the same manner as other employees of the county. Such paid probation officers shall have the same powers and perform the same duties as other probation officers under the provisions of this article. Nothing herein contained shall be held to limit or abridge the power of the County Court to appoint as many persons as probatoion officers, who will serve without pay, as the Court may see fit.

Section 2. That Section 9998 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 9998. Procedure.] All hearings under the provisions of this article shall be informal in their nature, conducted under such rules and regulations as the Court may prescribe and designed to inform the Court fully as to the exact status of the child and to ascertain its history and environment and the past and present physical, mental and moral condition of the child, and of its parents, custodian, guardian, or relatives, and for that purpose the Court may require such child to be examined by the County Physician, if of the same sex; if not, then by such physician as the Court may direct, which physician shall make a report thereof in writing to the Court. Upon the trial or hearing of cases arising under this Act, the Court shall exclude the general public from the room wherein such trial or hearing is held, admitting only such persons as may have a direct interest in the case, witnesses, officers of the Court and accredited persons interested in the study of social conditions. The records of all such cases may be withheld from indiscriminate public inspection at the discretion of the Court; but such records shall at all times be open to the inspection of any child to whom the same relates, and to his parents or guardian. For the purposes of this section the records of juvenile probation officers

shall be deemed records of the Court. No adjudication under the provisions of this Act shall operate as a disqualification of any child for any public office, and no child shall be denominated as a criminal by reason of such adjudication, nor shall such adjudication be denominated a conviction.

Approved March 12, 1921.

Child Welfare Commission

CHAPTER 142.

(S. B. 146)

RELATING TO COUNTY CHILD WELFARE BOARDS.

AN ACT Entitled, An Act to Provide for Child Welfare Boards in the Several Counties of the State to Aid in the Performance of the Duties of the State Child Welfare Commission.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Appointment.] The State Child Welfare Commission shall appoint in each county two persons, resident therein, at least one of whom shall be a woman, who shall serve without compensation except as may be agreed upon by the County Commissioners, and hold office for two years, and who together with the County Superintendent of Schools, the County Superintendent of Health and the County Judge, shall constitute a Child Welfare Board for the county, which shall select its own chairman.

Section 2. Duties.] The Child Welfare Board shall perform such duties as may be required of it by said State Child Welfare Commission, in furtherance of the purposes of this Act; and may appoint from their number or otherwise, a secretary and all necessary assistants who shall receive from the county such salaries as may be fixed by the County Child Welfare Board with the approval of the County Commissioners. The County Welfare Board shall make such visitations and reports as the State Commission may request, and act in a general advisory capacity to the county and municipal authorities in dealing with questions of dependency and delinquency, and social conditions generally.

Section 3. Cooperation With Organizations.] In counties where there are cities which already have a local board of welfare or other social agencies, or which may wish to establish such, the governing bodies of such cities may make such arrangements with the County Commissioners to consolidate the work under the authority and supervision of the County Child Welfare Board as may be mutually agreed upon with such division of expenses as may be equitable. The governing bodies of such cities and the County Commissioners are hereby authorized to make such provisions for the expense of carrying on the work as they may deem advisable and may delegate to the County Child Welfare Board necessary power.

Approved March 12, 1921.

Chiropractors

CHAPTER 143.

(H. B. 68)

RELATING TO CHIROPRACTORS.

AN ACT Entitled, An Act to Regulate the Practice of Chiropractic, Creating a Board of Chiropractic Examiners and to Provide for the Examination and Licensing of Chiropractors in the State of South Dakota.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That for the purpose of examining the applicants for license as Chiropractors there is hereby created a Board of Chiropractic Examiners, which shall be composed of three members to be selected and appointed by the Governor of the State, who are Chiropractors.

Section 2. The terms of office of the members of the Board of Chiropractic Examiners shall commence at once after their appointment, and shall continue for three years, provided that the regular term of office shall expire December 31st of each year, and that the first Board shall meet at once after their appointment and organize by electing a President and Secretary-Treasurer, adopt rules and regulations to govern the making of applications for examinations, adopt forms to be used in the business of the Board, and an official seal, and shall by lot determine that the term of one member shall expire in one year, of another in two years, and another in three years; and that vacancies occurring in such Board shall be filled by appointment in the same manner as is provided for the creation of the Board.

Section 3. The Board of Examiners shall hold regular sessions for examination of candidates for license, and the transaction of such business as may properly come before it, commencing on the first Monday of June and December in every year, at such place as may be designated by the board, provided however, that the first session shall be held on the first Monday in the first following month after their appointment.

Section 4. Any person shall be eligible for examination who shall have acquired a high school education or its equivalent, who is a graduate of a chartered Chiropractic School giving adequate courses in Anatomy, Bacteriology, Physiology, Histology, Chemistry, Pathology, Genecology, Symptomatology, Contagious and Infectious Diseases, Neurology, Clinical Analysis, Hygiene and Public Health, Spinography, Nerve Tracing, Philosophy of Chiropractic, Principles and Practices of Chiropractic, and requiring actual attendance for three school years of not less than eight months each. Such persons shall, at least fifteen days before the date fixed for the regular meeting of the Board of Examiners, make a written application for examination to the Secretary-Treasurer of said Board; the application shall contain a statement showing same, age, sex, educational qualifications and experience of applicant if any, in the care of the sick, interne or clinical assistant. The application shall be verified by the oath of applicant.

Section 5. (a) The Board shall conduct written examinations in Anatomy, Bacteriology, Physiology, Histology, Chemistry, Pathology,

Genecology, Symptomology, Contagious and Infectious Diseases, Neurology, Clinical Analysis, Hygiene and Public Health, Spinography, Nerve Tracing, Philosophy of Chiropractic, Principals and Practice of Chiropractic. Each candidate must answer correctly at least seventy-five per cent of the questions propounded, besides making satisfactory clinical demonstrations, to be entitled to a license to practice Chiropractic, which license must be countersigned by the Secretary-Treasurer of the Board of Examiners and authenticated by the Seal. The fee for the license shall be twenty-five dollars (\$25.00), fifteen dollars to accompany the application, and ten dollars shall be paid when the examination is taken to the Secretary-Treasurer before the delivery of the license. The license shall be recorded by the Chiropractor in the Office of the Register of Deeds where he engages in practice. The fee for such recording shall be One Dollar. Any one failing in his examination shall be entitled to a second examination at the next regular session of the Board without further payment of fee.

Section 6. All Chiropractors residing and practicing continuously in this State prior to the passage of this Act, and who shall be a graduate of a regularly Chartered School or College of Chiropractic, shall be granted a license as herein provided without examination, provided that application be made within thirty days after the taking effect of this Act and accompanied by the required fee as herein provided, and satisfactory evidence of good character and reputation.

Section 7. The Board of Chiropractic Examiners may refuse to grant a license to any person otherwise qualified, and shall revoke any license by it to any Chiropractor who is not of good moral character, or who solicits professional patronage by agents, or who is guilty of gross unprofessional conduct, or of incompetency, or habitual intoxication or the use of narcotics, or of fraud or deception; provided, that the holder thereof shall be entitled to at least twenty days notice of the charges against him and of the time and the place where the Board will hear and determine the charges and upon such hearing he shall be entitled to be represented by counsel and have compulsory process to procure attendance of witnesses.

Section 8. Chiropractic is hereby defined to be the adjustment by hand of the articulations of the Human Spine and other incidental adjustments according to the Science of Chiropractic.

Section 9. Chiropractors shall be subject to the same rules, both public and state, that govern physicians or healers of other schools as to births and deaths, and the control of contagious diseases and shall be entitled to all the privileges granted other physicians or healers pertaining to the public health. Chiropractors shall not be entitled to practice obstetrics, or treat contagious or infectious diseases.

Section 10. Any person who shall practice or attempt to practice Chiropractic, or who shall use the title Chiropractor, or any word or title having a tendency to induce any person to believe that he is a Chiropractor, or who shall be guilty of any fraud, deception or false pretense, or any person who shall violate any of the provisions of this Act shall be guilty of a misdemeanor, and shall be punished by a fine not to exceed three hundred dollars, and shall pay the costs of the prosecution, and be committed to the County Jail until such fine and costs are paid. If any person holding a license to practice under this Act shall be convicted of a misdemeanor as herein before defined, or of practicing contrary to the provisions of this Act, or who shall be convicted of a felony, his license shall at once stand revoked and shall

furnish no protection thereafter against prosecution for practicing or attempting to practice Chiropractic without a license. It is hereby declared to be the special duty of the County Attorneys, to enforce the provisions of this Act within their respective counties.

Section 11. Officers, Meetings, Compensation.] Out of the funds received by the Board each member may be paid the sum of ten dollars for each day actually engaged in the duties of his office and all legitimate and necessary expenses incurred in attending the meetings of the Board. Such expenses shall be paid from the fees received by the Board under the provisions of this Act and no part of the salary or other expenses of the Board except the printing of the annual report shall be paid out of the State Treasury. All money after the payment of such per diem allowance and other legitimate and necessary expenses, as above provided for, shall be held by the Secretary as a special fund for defraying the expenses of the Board in carrying out the provisions of this Act. The Secretary shall give a bond in such a sum and with such conditions as the Board may from time to time direct. The Board shall make an annual report to the Governor as provided in Sections 6922 and 7067 which report shall contain an account of all moneys received and disbursements by the Board and shall be limited to twenty pages.

Section 12. Persons licensed to practice Chiropractic under the laws of any other State having equivalent requirements of this Act, may, in the discretion of the Board, be issued a license to practice Chiropractic in this State without examination, upon payment of the fee of twenty-five dollars as herein provided.

Section 13. Nothing in this Act shall be construed to interfere with any other method or science of healing in this State.

All Acts in conflict herewith are hereby repealed.

Approved March 12, 1921.

Citizenship Day

CHAPTER 144.

(H. B. 3)

RELATING TO CITIZENSHIP DAY.

AN ACT Entitled, An Act Creating Citizenship Day and Providing for the Celebration Thereof.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. The thirtieth (30th) day of May, in each year, being now designated Memorial Day, shall also be known as Citizenship Day, and upon that day each citizen of the State who shall have arrived at the age of twenty-one (21) years since the 30th day of May in the preceding year, or who have been admitted into full citizenship of the United States since the aforementioned date, shall be entitled to receive a citizenship certificate signed by the Governor, attested by the Secre-

tary of State, and countersigned by the Chairman of the Board of County Commissioners of the County in which such citizen resides. Such certificate shall contain the name, date and place of birth and present residence of such citizen.

Section 2. Each such citizen shall be likewise entitled to receive a manual of citizenship which shall contain the Mayflower compact, the Declaration of Independence, the Constitution of the United States and of South Dakota, and such non-political axioms and discussions of the principles of popular citizenship, such axioms and discussions not to exceed twenty (20) pages in all as the Secretary of State may select.

Section 3. The Secretary of State shall supply to the Auditor of each county in the State a sufficient number of engraved and lithographed certificates and manuals of citizenship to enable such county to carry out the purposes of this Act, and it is hereby made the duty of the Secretary of State to provide such blank certificates so signed by the Governor and Secretary of State, and it shall be the duty of the County Auditor of each county on or before April 1st in each year to requisition a sufficient number of such certificates and manuals from the Secretary of State to supply the probable demand from his county.

Section 4. The County Commissioners of each county may designate some convenient or central points in their county where the citizenship ceremony may be held upon such citizenship day in such year, and the Commissioners may provide a suitable ceremony of patriotic addresses and music for such occasion and may by public proclamation invite all persons arriving at their majority during the year mentioned in Section 1, to appear at such time and place to receive their said citizenship certificates and manuals. Provided, that such certificates and manuals shall be given to each such citizen so entitled upon request notwithstanding a failure to attend citizenship day ceremonies.

Approved March 8, 1921.

Community Centers

CHAPTER 145.

(S. B. 270.)

RELATING TO COMMUNITY CENTERS.

AN ACT Entitled, An Act Providing for the Creation of Community Centers and for the Support and Control of the Same.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. A community center may be created and a community house therein erected, maintained, operated and managed in any tract of contiguous territory containing not less than sixteen square miles or a population of at least one hundred inhabitants, such territory to be bounded by township or school district lines; provided, that any such community may comprise two or more townships or school districts.

Such house, if dedicated to the memory of Soldiers and Sailors of the United States, may be called "The Memorial Community House" of such district.

Section 2. A petition praying for the submission of the question of establishing such a community center to the electors of such tract, may be presented, if wholly within any township or school district, to the chairman of the township or district board, and if comprising territory in two or more such townships or districts, to the chairman of the corporation having the greatest area in such proposed district. Such petition shall designate a proposed name and shall describe the boundaries of the proposed community center, which shall not include any territory included in any community center already organized, and shall be signed by at least one-fourth of the electors, resident therein, qualified to vote at general elections.

Section 3. Said officer shall within ten days of the receipt of said petition notify the said officers of any other public corporations a part of whose territory is included of the receipt of said petition, and shall set a date and place for a meeting of all such officers for the purpose of fixing a time and place for holding such community center election, at which time and place it shall be their duty to meet and fix the time and place for holding the election hereinafter provided for, which shall not be more than sixty days after presentation of the petition. If any officer is unable to attend such meeting he shall delegate one of the other officers of his township or district, as the case may be, to attend and act in his place. In case said tract lies within a single public corporation, the officer to whom the petition is presented shall, within five days of its receipt, fix a time and place for holding such election. The election shall be noticed and conducted for the entire tract of territory which is to be included in the proposed community center by the election officers of the corporation in which the election is to be held.

Section 4. The time and place of such election being fixed, the person to whom the petition was presented shall forthwith notify the clerk of his corporation of the time and place fixed for such election, and such clerk shall at once cause ten days' notice of such election to be given by posting a copy thereof in at least six different public places in such tract or territory, or by publishing such notice in any newspaper published therein once each week for two weeks immediately prior to the time set for holding the election. The election shall be conducted and the vote canvassed according to the statutes for conducting school district meetings.

Section 5. In all cases the vote shall be by ballot, with separate ballot boxes for each public corporation of which any territory is included in the petition. Ballots written or printed shall be either "for the community house," or "against the community house," or either "Yes" or "No" or any other designation plainly showing the voter's intent. If a majority of the electors voting from each public corporation of the territory proposed to be included are in favor of such organization, the proposal shall be deemed carried; otherwise not. If carried, the result shall then be certified at once by the election officers within six days thereafter to the clerk of each township or district concerned, and to the clerk of the county, and by the latter promptly to the Secretary of State, each of whom shall file such certificate, and such tract or territory shall thereupon constitute a public corporation from the date of such election of the name designated in the petition.

Section 6. The expenses, if any, of any such election conducted

for the purpose of determining a community center shall be borne in the first instance by the municipality to whose officer the petition is presented, which shall have a claim therefor against the community center corporation if organized, and if defeated, against each other corporation for its share apportioned on the basis of the assessed valuation of the territory included in the petition as last determined by the local boards of equalization.

Section 7. The officers of such community center shall be the same as the school officers of the district or township of which it is composed; provided that if such community center shall comprise two or more townships of districts, then the joint school boards of such component corporations shall elect from their members a board of three persons to manage such community center which board shall elect one of its members chairman, one as Treasurer, and one as clerk of the community center. The officers of the community center shall hold their offices for the same period as do the school officers of the same district.

Section 8. It shall be the duty of the board of directors of the community center to hold one annual meeting on the last Tuesday in June and such special meetings as they may desire. At the annual meeting the board shall carefully examine the accounts of the treasurer and make up a full and itemized report of all receipts and expenditures since the last annual meeting and a statement of the amount necessary to be raised by taxes for the maintenance of the community house for the ensuing year. The expenses of maintaining such community center shall be divided between the public corporations comprising the same in proportion to their respective populations and it shall be the duty of the respective townships or school boards to levy a tax each year of not to exceed five mills on each dollar of assessed valuation for the purpose of establishing and maintaining such community house which tax when collected shall be paid over to the treasurer of the community center.

Section 9. Such community house shall be used for the following purposes; Public gatherings for information, discussion, recreation, amusement; public banquets, suppers, and festivals; athletic games; rest rooms; rooms for community agricultural projects; and such other purposes as the electors may deem fit; and the board shall adopt rules and regulations governing its maintenance, operation and management.

Approved March 12, 1921.

Constitutional Amendments

CHAPTER 146.

(H. J. R. 1.)

RELATING TO THE INITIATIVE AND REFERENDUM.

A JOINT RESOLUTION Proposing an Amendment to Article III, Section I of the Constitution of the State of South Dakota, Relating to the Initiative and Referendum, and Submitting the Same to the Electors of the State.

Be It Resolved by the House of Representatives of the State of South Dakota, the Senate Concurring:

Section 1. That at the general election in this State next held the following amendment to Section 1 of Article III of the Constitution of the State of South Dakota, which is hereby agreed to, shall be submitted to the electors of this State for their approval.

That Section One (1) of Article Three (III) of the Constitution of the State of South Dakota be amended to read as follows:

Section 1. The legislative power of the State shall be vested in a legislature which shall consist of a Senate and House of Representatives, except that the people expressly reserve to themselves the right to propose measures, which measures the legislature shall enact or submit to a vote of the electors of the state, and also the right to require that any laws which the legislature may have enacted shall be submitted to a vote of the electors of the state before going into effect, except such laws as may be necessary for the immediate preservation of the public peace, health and safety, support of the State Government and its existing public institutions; Provided, that not less than fifteen per centum of the qualified electors of the State shall be required to invoke either the initiative or the referendum; Provided, further, that no person, firm or corporation shall give, offer or promise any valuable consideration for the purpose securing signatures to initiative and referendum petitions.

This section shall not be construed so as to deprive the legislature or any member thereof to propose any measure. The veto power of the executive shall not be exercised as to measures referred to a vote of the people. This section shall apply to municipalities. The enacting clause of all laws approved by the vote of the electors of the state shall be: "Be it enacted by the people of South Dakota." The legislature shall make suitable provisions for carrying into effect the provisions of this section.

CHAPTER 147.

(S. J. R. 1)

RELATING TO COUNTIES.

A JOINT RESOLUTION Proposing and Agreeing to an Amendment of Section 1, Article IX of the Constitution of the State of South Dakota, Relating to the Changing of County Boundaries, and Submitting the Same to a Vote of the People.

Be It Resolved by the Senate of the State of South Dakota, the House of Representatives Concurring:

Section 1. That the following amendment of Section 1, Article IX of the Constitution of the State of South Dakota which is hereby agreed to, be, and the same is, hereby submitted to a vote of the people at the next general election, as follows, to-wit:

1. That the Legislature shall provide by general law for organizing new counties, locating the county seats thereof and changing county lines.

CHAPTER 148.

(S. J. R. 7)

PROPOSING AMENDMENT TO CONSTITUTION, ARTICLE XI, SECTION 10.

A JOINT RESOLUTION Proposing and Agreeing to an Amendment of Section (10) of Article XI of the State Constitution, Relating to Revenue and Finance.

Be It Resolved by the Senate of the State of South Dakota, the House of Representatives Concurring:

That the following amendment of Section ten (10) of Article XI of the Constitution of the State of South Dakota, which is hereby agreed to, be and the same is hereby submitted to a vote of the people at the next general election as follows, to-wit:

Section (10). The Legislature may vest the corporate authority of cities, towns and villages with power to make local improvements by special taxation of contiguous property or otherwise. For all corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes; but such tax shall be uniform in respect to persons and property within the jurisdiction of the body levying the same; Provided, that the Legislature may by law provide for the levy and collection, by the authorities of the State or of any county or other taxing district created by law, of special assessments upon lands lying along the banks of any River, and other lands subject to damage by such river, to provide funds to be used in protecting such lands against damages by erosion or flooding by such river.

CHAPTER 149.

(S. J. R. 11)

PROPOSING AMENDMENT TO CONSTITUTION, ARTICLE XXI, Section 2.

A JOINT RESOLUTION Proposing and Agreeing to an Amendment to Section 2 of Article XXI of the Constitution of the State of South Dakota, Which Amendment Would Authorize the Legislature by a Two-thirds Vote of the Members Elect of Each Branch Thereof to Fix the Salaries and Compensation of All State Officers, and Which Amendment Would Prohibit Certain Expense Allowances Now Granted to State Officers.

Whereas, the compensation of those in public service, like those in private service, should be subject to change from time to time to meet changed conditions; and

Whereas, the salaries and compensation of certain state officers are fixed by the Constitution and are thus placed beyond legislative control; and

Whereas, owing to radical changes in conditions that have come during the years since the adoption of our Constitution, the salaries and compensation therein fixed are now wholly inadequate; and

Whereas, the interests of this State will, at all times, be best subserved by paying to our public servants compensation commensurate to the services by them performed; and

Whereas, the Legislature is now authorized, by a bare majority vote of the members elect in each branch thereof, to fix the salaries and compensation of a great majority of the existing state officers as well as to create new offices and fix the salaries and compensation of those elected or appointed to fill same; and

Whereas, the amendment herein proposed, would, by requiring a two-thirds vote of the members elect of each branch of the Legislature for the passage of any Act fixing the salary or other compensation of a state officer, guarantee full protection to the people against ill-considered legislation and thus against the fixing of excessive salaries or other compensation for state officers, while, it would at the same time, empower the Legislature to provide fair compensation for such officer:

Now, Therefore, Be It Resolved by the Senate of the State of South Dakota, the House of Representatives Concurring:

That at the next general election to be held in this State the following amendment to Section 2 of Article XXI of the Constitution of the State of South Dakota, which is hereby agreed to, shall be submitted to the electors of this State for their approval.

That Section 2 of Article XXI of the Constitution of the State of South Dakota be amended to read as follows:

Section 2. The Legislature, by a vote of two-thirds of the members elect of each branch thereof, shall have the power to determine the compensation of all state officers including members of the Legislature. Such officers shall receive no other compensation; nor shall they receive fees, perquisites or emoluments whatsoever for or by reason of their offices, nor any allowances for expenses incident to or based upon any change of actual as distinguished from legal residence

Laws—16.

made because of election or appointment to office; nor for any other expense except that actually incurred in the discharge of official duties; except that the Legislature may provide for a Governor's residence.

Any change in existing salaries or compensation made hereunder during the regular session of the Legislature in the year 1923 shall take effect on April first of that year; any change thereafter made shall take effect on the first Tuesday after the first Monday of the next odd numbered year.

Corporations

CHAPTER 150.

(H. B. 301)

RELATING TO ARTICLES OF INCORPORATION.

AN ACT Entitled, An Act to Amend Section 8761 of the Revised Code of 1919, Relating to Contents of Articles of Incorporation, and Permitting Corporations to Create Kinds and Classes of Stock, to Fix the Designations and Preferences Thereof, and to Issue Non-voting Stock, and Fixing the Status Thereof.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 8761 of the Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 8761. Contents of Articles Permitted.] Such articles of incorporation may:

1. Prescribe the qualifications of its directors and other officers;

2. Provide for the creation and issuance of two or more kinds of stock, of such classes, with such designations, preferences, and voting powers or restrictions or qualifications thereof as shall be stated and expressed in such articles of incorporation, including the creation and issuance of classes of common or preferred or both common and preferred stock without voting power, which stock shall be known as non-voting stock, and shall entitle the holder thereof to no vote or votes in such corporation; provided, however, that no one stockholder in any case shall be entitled to more votes than the number of shares of stock owned by him; and provided further that when the number of votes is limited to less than one vote for each share of stock and when stock is issued without voting power, such limitation shall be plainly stated on the face of each certificate of such stock issued; and

3. Except where otherwise specially provided, limit the liability of each stockholder to the amount remaining unpaid on his capital stock.

Section 2. That whenever any corporation, organized and existing under the laws of this State, shall have issued any part of its capital stock as non-voting stock pursuant to the provisions of Section 8761 of the Revised Code of 1919, as hereby amended, the total number of shares of non-voting stock so issued shall be excluded from the total number of shares of subscribed capital stock of such corporation in determining the number of shares thereof required by law to be represented at any corporate meeting or election.

Section 3. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Approved March 12, 1921.

CHAPTER 151.

(H. B. 125)

RELATING TO BENEVOLENT, RELIGIOUS AND EDUCATIONAL CORPORATIONS.

AN ACT Entitled, An Act to Amend Chapter Five of Part Seventeen of Title Six of the South Dakota Revised Code of 1919, Relating to Corporations.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Chapter Five of Part Seventeen of Title Six of the South Dakota Revised Code of Nineteen Hundred Nineteen be and is hereby amended by amending Sections 8859, 8860 and 8864 of said Revised Code to read as follows:

Section 8859. By-Laws.] All corporations formed under this article shall have power to enact by-laws, not inconsistent with the laws of this State, and to amend and repeal the same in such manner as the members thereof shall determine. Every corporation formed under this article shall, within three months after the filing of its Articles of Incorporation in the office of the Secretary of State, adopt by-laws and file a copy thereof, within one month after the adoption thereof, in the office of the Secretary of State. The copy so filed shall be certified to, by the directors of the corporation, as being a true copy of the by-laws of such corporation. A copy of any by-law thereafter adopted, similarly certified to, shall be filed in the office of the Secretary of State, within one month after its adoption, and in case of the repeal or amendment of any by-law, the directors shall, within one month after such amendment or repeal, file with the Secretary of State a certificate setting forth the fact of such amendment or repeal, and the Secretary of State shall receive a fee of two dollars for filing such by-laws and amendments. Such corporations may in their by-laws in addition to the provisions of Section 8782 provide for:

1. The qualification of members, mode of election and terms of admission to membership.
2. The fees for admission and dues to be paid by members.
3. The expulsion and suspension of members for misconduct or nonpayment of dues; also for restoration to membership.
4. The contracting, securing, paying and limiting of the amount of their corporate indebtedness.
5. The number of members necessary to constitute a quorum at any regular or special meeting of the members of such corporation.
6. Other regulations not repugnant to law consonant with the objects of the corporation.

Section 8860. Officers And Directors.] All corporations formed under this article shall elect their directors and officers and call and hold their meetings, at the times, places and in the manner prescribed by their by-laws. The officers, other than directors, shall be such as the by-laws prescribe, and shall perform such duties as may be designated by the by-laws. The directors of such corporations shall be in such number as may be provided by Articles of Incorporation but not less than three.

Section 8864. Property Limited.] All such corporations may hold all the property of the association owned prior to incorporation, as well as that acquired thereafter in any manner, and transact all business relative thereto; but no such corporation shall own or hold more real property than may be reasonably necessary for the business and objects of the association.

Approved February 21, 1921.

CHAPTER 152.

(H. B. 78)

RELATING TO THE POWERS OF FRATERNAL, BENEVOLENT OR CHARITABLE CORPORATIONS.

AN ACT Entitled, An Act for the Amendment of the Articles of Incorporation of Grand Lodges or Other Grand Bodies, Consisting of Subordinate Lodges, Chapters, Posts, Encampments, Councils, Commanderies, or Other Organizations of Fraternal, Benevolent, or Charitable Fraternities or Associations, or of Elected or Appointed Representatives or Delegates Thereof to Such Grand Lodges or Grand Bodies, or of Such Other Persons as the Charter, Constitution or By-Laws of Such Grand Lodges or Grand Bodies May Provide, and More Fully Defining the Powers of Such Grand Lodges or Grand Bodies.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Amendment Of Articles Of Incorporation.] That whenever any Grand Lodge, Grand Chapter, Grand Post, Grand Encampment, Grand Council, Grand Commandery, or other organization of the fraternities, or associations commonly known as the Free and Accepted Masons, Independent Orders of Odd Fellows, Grand Army of the Republic, American Legion, Knights of Pythias, Ancient Order of United Workmen, Knights of Columbus, and other fraternal benevolent or charitable fraternities or associations, or of elected or appointed representatives of delegates thereof to such Grand Lodge or Grand Body, or such other persons as the charter, constitution, or by-laws of said Grand Lodge or Grand Body may provide, which has already become incorporated under the laws of this state, and the charter, constitution or By-laws thereof provide for regular annual meetings of said Grand Lodge or Grand Body, may desire to amend its Articles of Incorporation to provide for the establishment and maintenance of Homes, Orphanages, Asylums, or similar institutions, for members of its order or fraternity or the widows or orphans of deceased members, or for other fraternal, benevolent or charitable purposes, and for the power to take by devise, bequest, gift, grant or other conveyance any and all kinds of property, real and personal for the use and benefit of said institutions, with power to sell, mortgage, or convey the same, or to amend its Articles of Incorporation in such lawful particulars as such corporation may deem necessary, or for the better accomplishment of the objects for which it was organized, such Grand Lodge, or Grand Body may by resolution duly adopted at such annual meeting by a two-thirds majority of its members then and there present, said resolution setting forth in full the proposed amendments to its said Articles of Incorporation, authorize and empower its directors or trustees, then in office, or such of its officers as it may designate in said resolution, to prepare such Amended Articles of Incorporation, and make application to the Secretary of State for a certificate of amendment as provided by law in the case of other corporations, and without any other or further notice of such proposed amendment than designated in this Act.

Section 2. Subscribed And Acknowledged.] Such Amended Articles of Incorporation shall be acknowledged by said directors, trustees or other officers, who shall append thereto an affidavit duly subscribed and sworn to by each of them, setting forth that at such regular annual meeting, the date and place of said meeting to be stated in the affidavit, it was voted by a two thirds majority of its members then

and there present, to amend its Articles of Incorporation as therein set forth, and that the affiants are the directors, trustees or other officers of such Grand Lodge or other Grand Body, duly empowered or authorized to prepare such amended Articles of Incorporation.

Section 3. Repeal.] All Acts, or parts of Acts, inconsistent with the provisions of this Act are hereby repealed.

Section 4. Emergency.] Whereas, there is no adequate statute providing for the amendment of the Articles of Incorporation of Grand Lodges or Grand Bodies as mentioned in this Act, or granting powers herein set forth, and delay in the passage of this Act will cause serious inconvenience to their best interests, and such an Act is desirable and necessary for the immediate promotion and preservation of the Public Health and Safety, therefore an emergency is hereby declared to exist, and this Act shall go into effect immediately upon its passage and approval.

Approved February 21, 1921.

CHAPTER 153.

(S. B. 231)

RELATING TO CO-OPERATIVE ASSOCIATIONS.

AN ACT Entitled, An Act to Amend Sections 8844 and 8845 of the South Dakota Revised Code of 1919. Relating to the Limitation on Ownership of Shares in and the Investment of the Capital of Co-operative Associations.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 8844 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 8844. Limitations On Ownership Of Shares.] Except as otherwise provided in this Chapter, no stockholder in any such association shall be entitled to more than one vote nor hold shares of a greater par value than one thousand dollars (\$1,000.00), in such association having a par value capital of one hundred thousand dollars (\$100,000.00) or less or hold more than one per cent (1%) of the par value capital stock of such association having a par value capital of more than one hundred thousand dollars (\$100,000.00).

Section 2. That Section 8845 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 8845. Investment Of Capital.] At any regular meeting, or at any regularly called special meeting, at which at least a majority of all its stockholders shall be present or represented, an association organized under the provisions of this chapter may, by a majority vote of all the stockholders in the association, present or represented, subscribe for shares, and invest its reserve, and not to exceed twenty-five per cent (25%) of its capital, in the capital stock of any other co-operative association complying with the co-operative law of the State of South Dakota.

Section 3. Whereas, this Act is necessary for the immediate preservation of the public safety, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1921.

CHAPTER 154.

(H. B. 102)

RELATING TO DISSOLUTION OF CORPORATIONS.

AN ACT Entitled, An Act to Amend Section 8818 of the South Dakota Revised Code of 1919, Relating to Dissolution of Corporations.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 8818 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 8818. Other Methods.] A corporation is dissolved by the expiration of the time limited by its Articles of Incorporation; by its involuntary dissolution as provided in title 2; and its voluntary dissolution may be effected in the following manner:

1. An application in writing, setting forth that at a meeting of the stockholders or members called for that purpose the dissolution of the corporation was resolved upon by a vote of not less than two-thirds of the outstanding stock, if a stock corporation, or by a vote of not less than two-thirds of the members of other corporations, and that all claims and demands against the corporation have been satisfied and discharged, shall be presented to the circuit court of the county where the principal place of business of the corporation is situated.

2. Such applications must be signed by a majority of the board of directors and must be verified in the same manner as a complaint in a civil action.

3. If the Court is satisfied that the application is in conformity with this article it must order the application to be filed, and that the clerk give not less than thirty nor more than fifty days notice of the application, by publication in some newspaper published in the county, and if there be none, then by advertisement posted in five of the principal public places in the county.

4. At any time before the expiration of the time of publication any person may file his objections to the application.

5. After the time of publication has expired the Court may, upon five days notice to the persons who have filed objections, or without further notice if no objections have been filed, proceed to hear and determine the application; and if all the statements therein made are shown to be true, the Court must adjudge the corporation dissolved.

6. The application, notices and proof of publication, objections, if any, and judgment of dissolution, constitute the judgement roll, and from the judgement an appeal may be taken in the same manner as in civil actions.

7. Whenever a corporation is dissolved in the manner provided by this Section, a copy of the order of dissolution made by the Court, certified by the Clerk thereof, shall be filed in the office of the Secretary of State, within thirty days after such order is made by the Court, and the Secretary of State shall receive a fee of one dollar and fifty cents, (\$1.50) for filing and recording the same.

Approved February 7, 1921.

CHAPTER 155.

(H. B. 298)

RELATING TO DISSOLUTION OF CORPORATIONS.

AN ACT Entitled, An Act to Amend Section 8821 of the Revised Code of the State of South Dakota of 1919, Relating to the Settlement of Corporate Affairs by Court.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 8821 of the Revised Code of the State of South Dakota of 1919 be amended to read as follows:

Section 8821. Settlement of Corporate Affairs by Court.] Whenever any corporation is dissolved, except by involuntary proceedings under title 2, and the directors or persons who are managers of such corporation at the time of the dissolution have failed, neglected or refused to settle the business of such corporation or are dead or have removed from the state, the Circuit Court of the county where the principal place of business of such corporation is located, or where the principal part of its personal or real property is situated, shall have authority, on the complaint of any creditor or any legal or equitable stockholder or member of such corporation to appoint one or more trustees to collect all assets and pay all debts of such corporation and to divide among the stockholders or members all property, real and personal, which may remain after the payment of the debts of such corporation, and the necessary expenses connected with the settlement of its affairs; or the Court may, in its discretion, direct the reorganization of such corporation as provided in this article, if it shall deem such course for the best interest of the stockholders, or members, and creditors alike, and the Court may authorize such trustees to bring or defend any action necessary for the proper settlement of the affairs of such corporation and the protection of the stockholders, or members, and creditors thereof; and if any action be pending against such dissolved corporation, such trustees may be substituted in such action for such corporation and the Court at all times shall have full control and authority over such trustees and may grant to them, by order, such authority as it deems necessary and such as is usually granted to receivers in equity.

Approved March 4, 1921.

CHAPTER 156.

(H. B. 303)

RELATING TO ELECTION OF DIRECTORS.

AN ACT Entitled, An Act to Amend Section 8787 of the Revised Code of 1919, Relating to Manner of Election of Directors of Corporations and Prescribing the Voting Powers of Stockholders at Such Elections.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 8787 of the Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 8787. Manner of Election of Directors.] All election of directors must be by ballot and a vote of stockholders representing a majority of the subscribed capital stock, or of a majority of the members, is necessary to a choice. If there be capital stock in the corporation, each stockholder is entitled to one vote for each share of voting stock held by him at all such elections and also at all elections at other meetings of stockholders; provided, however, that stock issued with restricted voting power pursuant to the provisions of Section 8761 shall entitle the holder to only such number of votes by virtue thereof at such elections as may be specified on the face thereof, and if there be no capital stock, each member is entitled to one vote at all such elections and also at all elections at other meetings of the members, unless otherwise provided in the articles of incorporation.

Approved March 12, 1921.

CHAPTER 157.

(S. B. 304)

RELATING TO FOREIGN CORPORATIONS.

AN ACT Entitled, An Act to Amend Section 8902 of the Revised Code of 1919 and to Amend Section 8906 as the Same is Amended by Chapter 142 of the Session Laws of 1919, Relating to Foreign Corporations.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 8902 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 8902. Required to File Copy of Charter.] No corporation, incorporated or organized otherwise than under the laws of this state, except railroad corporations, corporations or associations created solely for religious or benevolent purposes, insurance companies and fraternal or beneficiary corporations, societies, orders and associations furnishing life or casualty insurance or indemnity upon the mutual or assessment plan, shall transact business or acquire, hold or dispose of property in this state until such corporation shall have caused to be filed in the office of the Secretary of State a copy of its charter, articles of association or incorporation and all amendments thereto, duly certified by the Secretary of State of the state wherein the corporation was organized. In case the laws of the state wherein the corporation was organ-

ized do not require that the charter, articles of association or incorporation be filed in the office of the Secretary of State, such charter, articles of association or incorporation shall be certified to by the Register of Deeds or other officer with whom such articles were filed, with a certificate of the Secretary of State attached, certifying that such officer, is the proper officer to certify to such articles. Any foreign corporation, including any bank or trust company, may, in its corporate name and without being licensed to do business in this state, advance and loan money therein, and take, acquire, hold and enforce notes, bonds, mortgages or trust deeds given to represent or secure money so loaned or advanced or for other lawful consideration, and all such notes, bonds, mortgages or trust deeds which heretofore have been or shall hereafter be taken, acquired or held by any such foreign corporation shall be as valid and enforceable as though it were an individual, and such right of enforcement shall include the right to acquire the mortgaged property upon foreclosure, or by virtue of the provisions of the mortgage or trust deed, and to dispose of the same; provided, however, that any such corporation, except a savings bank or trust company which is engaged solely in loaning money secured by first mortgages on real estate, which shall hereafter transact in this state any such business shall first file with the Secretary of State a statement in writing, by its President, Secretary, Treasurer or General Manager, that it constitutes the Secretary of State its agent for the service of process as provided in this chapter; and provided, further, that except as regards the advancing and loaning of money and the taking, acquiring, holding and enforcing of securities as provided in this section, nothing in this chapter shall be construed as authorizing any foreign corporation to transact in this state the business of a bank or trust company, or otherwise to exempt any foreign corporation, other than the railroad, religious, benevolent and insurance corporations specified in this section, from the provisions of this section or other statutes of this state.

Section 2. That Section 8906 of the South Dakota Revised Code of 1919, as amended by Chapter 142 of the Session Laws of 1919 is hereby further amended to read as follows:

Section 8906. Annual Report Filed.] Every corporation, except railroad corporations, corporations or associations created solely for religious or benevolent purposes, insurance companies and fraternal or beneficiary corporations, societies, orders and associations furnishing life or casualty insurance or indemnity upon the mutual or assessment plan which has heretofore filed with the Secretary of State a copy of its charter or articles of association or incorporation, or which shall hereafter file the same as required by this chapter, and every foreign corporation transacting business in this state, except savings banks and trust companies advancing and loaning money therein as authorized by Section 8902 of this Code, and insurance companies filing annual reports with the Commissioner of Insurance, shall, annually, before the first of March file with the Secretary of State a report sworn to by the President, Secretary, Treasurer or General Manager of the corporation, as of the thirty-first day of December preceding, which shall state:

1. The name of such corporation and the location of its principal office or place of business without the state, and its place of business or principal office within the state, if any,

2. The names and addresses of the officers of such corporation, and the name and addresses of the agent or manager who represents such corporation in this state.

3. The nature of the business transacted in this state during the preceding year.

4. The amount of capital stock paid in money, property or services.

5. The total amount of business transacted by such corporation during the preceding year, and the true value of all property held by such corporation.

6. The total amount of business transacted during the preceding year in this state.

7. The proportion of the capital stock represented in this state by its property located and business transacted therein during the preceding year.

8. That such corporation as a condition of its being permitted to continue doing business with this state will comply with all the laws of the state with regard to foreign corporations.

Such corporations shall pay a fee of two dollars (\$2.00) for filing such report; and in case such report shows that such corporation has increased the proportion of its capital stock employed in this state, it shall pay to the Secretary of State at the time of filing such report, an additional fee of one dollar (\$1.00) for each one thousand dollars (\$1,000.00) of its capital stock in excess of twenty-five thousand dollars, (\$25,000.00) or in excess of the proportion of the capital stock already paid for by such corporation. In case of failure to file such report within the time specified, such corporation shall pay to the Secretary of State a penalty of twenty-five dollars (\$25.00), if the same is filed before the first day of April.

Approved March 12, 1921.

CHAPTER 158.

(H. B. 18)

RELATING TO REPORTS OF CORPORATIONS.

AN ACT Entitled, An Act to Amend Section 8913 of the South Dakota Revised Code of 1919, as Amended by Chapter 143, Session Laws of 1919, Relating to the Annual Reports of Corporations and Providing a Penalty for Failure to File the Same and a Means of Reinstatement in Proper Cases, After License Has Been Revoked on Account of the Failure to File Such Reports.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 8913 of the South Dakota Revised Code of 1919, as amended by Chapter 143 of the Session Laws of 1919, be and the same is hereby amended to read as follows:

Section 8913. Upon the first day of March of each the year the Secretary of State shall give notice by mail to every corporation licensed under the provisions of this chapter, which has failed to file the annual report required by Section 8906, that unless such report be filed, together with a penalty of twenty-five dollars, (\$25.00) before the first day of April following, its license will be revoked and revocation thereof entered in the record of his office, provided that due notice has been given to the corporation subject to the penalty at least 20 days prior to March first of each year. On the first day of April in each year the

Secretary of State shall revoke the license of every such corporation that has failed to file such report as required by this chapter.

Provided, that the Secretary of State may extend the time for filing such report, upon request to him for an extension of time by such corporation, not to exceed sixty days, as may in his judgment seem just and reasonable. Provided, further, that when such license has been so revoked by the Secretary of State, such corporation may be reinstated under its license, and its license renewed, by filing with the Secretary of State a statement subscribed and sworn to by its President and Secretary, setting forth that said corporation did not intentionally or wilfully violate any laws of the State of South Dakota by failure to file its report within the time specified, but that such failure was due to accident, mistake or excusable negligence on the part of the said corporation. Said corporation shall file with said statement the annual report of said corporation for the preceeding year as required by this chapter. Such statement shall be in substantially the following form:

State of _____)

SS. REINSTATEMENT.

County of _____)

WHEREAS the Secretary of State of the State of South Dakota has revoked the license heretofore issued to _____
(Name of Company) of _____ and located at _____
County of _____ and State of _____
to do business within the State of South Dakota by reason of failure on the part of said company to file an annual report with the Secretary of State as required by law, and

WHEREAS by such failure it was not the intention of said company to wilfully or intentionally violate any laws of the State of South Dakota, but such failure being due to _____ (Give reason or reasons) on the part of said company, and

WHEREAS, it is the desire of said company to have its license to do business in South Dakota renewed,

THEREFORE, said company prays that it may be reinstated and requests that the Secretary of State of South Dakota grant a renewal of its license to commence with the date of filing this application, and submits herewith the annual report which it failed to file heretofore.

IT IS HEREBY CERTIFIED, that the proportion of the capital stock represented in the State of South Dakota by its property located and business transacted therein during the preceeding year is \$_____
(Corporate Seal) (Signed)_____

By _____ President

and _____ Secretary

Subscribed and sworn to before me, a Notary Public, this _____
day of _____ 19_____
(Notary Seal) _____

Notary Public

Said corporation shall, at the time of filing said statement, pay to the Secretary of State a fee of thirty-five dollars (\$35.00), except in case its said annual report shows that such corporation has increased the proportion of its capital stock employed in this state, as compared with its last statement or report filed, it shall pay an additional fee of one dollar (\$1.00) for each one thousand dollars of its capital stock in

excess of twenty-five thousand dollars, or in excess of the proportion of capital stock already paid for by such corporation.

Upon filing such statement, if he shall be satisfied that the previous default was not wilful or fraudulent, and that the corporation in good faith intends to comply with the laws of the state, the Secretary of State shall issue to said corporation a certificate in substantially the following form:

UNITED STATES OF AMERICA, STATE OF SOUTH DAKOTA,
DEPARTMENT OF STATE.

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING;

I, _____ Secretary of State of the State of South Dakota, do hereby certify that _____ incorporated under the laws of the State of _____ and located at _____ in the County of _____, and State of _____, having complied with the provisions of Section 8913, South Dakota Revised Code of 1919, as amended by Chapter _____, Laws of 1921, and paid a fee of \$ _____.

NOW THEREFORE, said company is hereby reinstated and its license to transact business in South Dakota is continued from the date of this certificate until revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal, at Pierre, the Capital, this _____ day of _____ 19____.

Secretary of State.

Approved February 8, 1921.

CHAPTER 159.

(S. B. 79)

ADOPTING UNIFORM STOCK TRANSFER ACT.

AN ACT Entitled, An Act to Make Uniform the Law of Transfer of Shares of Stock in Corporations.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. How Title to Certificates and Shares May Be Transferred.] Title to a certificate and to the shares represented thereby can be transferred only,

(a) By delivery of the certificate indorsed either in blank or to a specified person by the person appearing by the certificate to be the owner of the shares represented thereby, or

(b) By delivery of the certificate and a separate document containing a written assignment of the certificate or a power of attorney to sell, assign or transfer the same or the shares represented thereby, signed by the person appearing by the certificate to be the owner of the shares represented thereby. Such assignment or power of attorney may be either in blank or to a specified person.

The provisions of this section shall be applicable although the charter or articles of incorporation or code of regulations or by-laws of

the corporation issuing the certificates and the certificate itself, provide that the shares represented thereby shall be transferable only on the books of the corporation or shall be registered by a registrar or transferred by a transfer agent.

Section 2. Powers of Those Lacking Full Legal Capacity and of Fiduciaries Not Enlarged.] Nothing in this Act shall be construed as enlarging the powers of an infant or other person lacking full legal capacity, or of a trustee, executor or administrator, or other fiduciary, to make a valid indorsement, assignment or power of attorney.

Section 3. Corporation Not Forbidden to Treat Registered Holder as Owner.] Nothing in this Act shall be construed as forbidding a corporation.

(a) To recognize the exclusive right of a person registered on its books as the owner of shares to receive dividends, and to vote as such owner, or

(b) To hold liable for calls and assessments a person registered on its books as the owner of shares.

Section 4. Title Derived From Certificate Extinguishes Title Derived From A Separate Document.] The title of a transferee of a certificate under a power of attorney or assignment not written upon the certificate, and the title of any person claiming under such transferee, shall cease and determine if, at any time prior to the surrender of the certificate to the corporation issuing it, another person, for value in good faith, and without notice of the prior transfer, shall purchase and obtain delivery of such certificate with the indorsement of the person appearing by the certificate to be the owner thereof, or shall purchase and obtain delivery of such certificate and the written assignment or power of attorney of such person, though contained in a separate document.

Section 5. Who May Deliver a Certificate.] The delivery of a certificate to transfer title in accordance with the provisions of Section 1, is effectual, except as provided in Section 7, though made by one having no right of possession and having no authority from the owner of the certificate or from the person purporting to transfer the title.

Section 6. Indorsement Effectual in Spite of Fraud, Duress, Mistake, Revocation, Death, Incapacity or Lack of Consideration or Authority.] The indorsement of a certificate by the person appearing by the certificate to be the owner of the shares represented thereby is effectual, except as provided in Section 7, though the indorser or transferor,

(a) was induced by fraud, duress or mistake, to make the indorsement or delivery, or

(b) has revoked the delivery of the certificate, or the authority given by the indorsement or delivery of the certificate, or

(c) has died or become legally incapacitated after the indorsement, whether before or after the delivery of the certificate, or

(d) has received no consideration.

Section 7. Recession of Transfer.] If the indorsement or delivery of a certificate,

(a) was procured by fraud or duress,

(b) was made under such mistake as to make the indorsement or delivery inequitable, or

(c) if the delivery of a certificate was made without authority from the owner, or

(d) after the owner's death or legal incapacity, the possession of

the certificate may be reclaimed and the transfer thereof rescinded, unless:

(1) The certificate has been transferred to a purchaser for value in good faith without notice of any facts making the transfer wrongful, or

(2) the injured person has elected to waive the injury, or has been guilty of laches in endeavoring to enforce his rights.

Any Court of appropriate jurisdiction may enforce specifically such right to reclaim the possession of the certificate or to rescind the transfer thereof, and, pending litigation, may enjoin the further transfer of the certificate or impound it.

Section 8. *Recession of Transfer of Certificate Does Not Invalidate Subsequent Transfer by Transferee in Possession.*] Although the transfer of a certificate or of shares represented thereby has been rescinded or set aside, nevertheless, if the transferee has possession of the certificate or of a new certificate representing part or the whole of the same shares of stock, a subsequent transfer of such certificate by the transferee, mediately or immediately, to a purchaser for value in good faith, without notice of any facts making the transfer wrongful, shall give such purchaser an indefeasible right to the certificate and the shares represented thereby.

Section 9. *Delivery of Unindorsed Certificate Imposes Obligation to Indorse.*] The delivery of a certificate by the person appearing by the certificate to be the owner thereof without the indorsement requisite for the transfer of the certificate and the shares represented thereby, but with intent to transfer such certificate or shares shall impose an obligation, in the absence of an agreement to the contrary, upon the person so delivering, to complete the transfer by making the necessary indorsement. The transfer shall take effect as of the time when the indorsement is actually made. This obligation may be specifically enforced.

Section 10. *Ineffectual Attempt to Transfer Amounts to a Promise to Transfer.*] An attempted transfer of title to a certificate or to the shares represented thereby without delivery of the certificate shall have the effect of a promise to transfer and the obligation, if any, imposed by such promise shall be determined by the law governing the formation and performance of contracts.

Section 11. *Warranties On Sale of Certificate.*] A person who for value transfers a certificate, including one who assigns for value a claim secured by a certificate, unless a contrary intention appears, warrants

(a) that the certificate is genuine,

(b) that he has a legal right to transfer it, and

(c) that he has no knowledge of any fact which would impair the validity of the certificate.

In the case of an assignment of a claim secured by a certificate, the liability of the assignor upon such warranty shall not exceed the amount of the claim.

Section 12. *No Warranty Implied From Accepting Payment of a Debt.*] A mortgagee, pledgee, or other holder for security of a certificate who in good faith demands or receives payment of the debt for which such certificate is security, whether from a party to a draft drawn for such debt, or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such certificate, or the value of the shares represented thereby.

Section 13. *No Attachment or Levy Upon Shares Unless Certificate Surrendered or Transfer Enjoined.*] No attachment or levy upon shares of stock for which a certificate is outstanding shall be valid until such

certificate be actually seized by the officer making the attachment or levy, or be surrendered to the corporation which issued it, or its transfer by the holder be enjoined. Except where a certificate is lost or destroyed, such corporation shall not be compelled to issue a new certificate for the stock until the old certificate is surrendered to it.

Section 14. *Creditor's Remedies to Reach Certificate.*] A creditor whose debtor is the owner of a certificate shall be entitled to such aid from courts of appropriate jurisdiction, by injunction and otherwise, in attaching such certificate or in satisfying the claim by means thereof as is allowed at law or in equity, in regard to property which can not readily be attached or levied upon by ordinary legal process.

Section 15. *There Shall be No Lien or Restriction Unless Indicated on Certificate.*] There shall be no lien in favor of a corporation upon the shares represented by a certificate issued by such corporation and there shall be no restriction upon the transfer of shares so represented by virtue of any by-laws of such corporation, or otherwise, unless the right of the corporation to such lien or the restriction is stated upon the certificate.

Section 16. *Alteration of Certificate Does Not Divest Title to Shares.*] The alteration of a certificate, whether fraudulent or not and by whomsoever made, shall not deprive the owner of his title to the certificate and the shares originally represented thereby, and the transfer of such a certificate shall convey to the transferee a good title to such certificate and to the shares originally represented thereby.

Section 17. *Lost or Destroyed Certificate.*] Where a certificate has been lost or destroyed, a court of competent jurisdiction may order the issue of a new certificate therefor on service of process upon the corporation and on reasonable notice by publication, and in any other way which the Court may direct, to all persons interested, and upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient surety to be approved by the Court to protect the corporation or any person injured by the issue of the new certificate from any liability or expense, which it or they may incur by reason of the original certificate remaining outstanding. The Court may also in its discretion order the payment of the corporation's reasonable costs and counsel fees.

The issue of a new certificate under an order of the Court as provided in this section, shall not relieve the corporation from liability in damages to a person to whom the original certificate has been or shall be transferred for value without notice of the proceedings or of the issuance of the new certificate.

Section 18. *Rules for Cases Not Provided for By This Act.*] In any case not provided for by this Act, the rules of law and equity including the law merchant, and in particular the rules relating to the law of principal and agent, executors, administrators and trustees, and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall govern.

Section 19. *Interpretation Shall Give Effect to Purpose of Uniformity.*] This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Section 20. *Definition of Indorsement.*] A certificate is indorsed when an assignment or power of attorney to sell, assign, or transfer the certificate or the shares represented thereby is written on the certificate and signed by the person appearing by the certificate to be the owner

of the shares represented thereby, or when the signature of such person is written without more upon the back of the certificate. In any of such cases a certificate is indorsed though it has not been delivered.

Section 21. Definition of Person Appearing to Be the Owner of Certificate.] The person to whom a certificate was originally issued is the person appearing by the certificate to be the owner thereof, and of the shares represented thereby, until and unless he indorses the certificate to another specified person, and thereupon such other specified person is the person appearing by the certificate to be the owner thereof until and unless he also indorses the certificate to another specified person. Subsequent special indorsements may be made with like effect.

Section 22. Other Definitions.] (1) In this Act, unless the context or subject matter otherwise requires

"Certificate" means a certificate of stock in a corporation organized under the laws of this State or of another state whose laws are consistent with this Act.

"Delivery" means voluntary transfer of possession from one person to another.

"Person" includes a corporation or partnership or two or more persons having a joint or common interest.

To "purchase" includes to take as mortgagee or as pledgee.

"Purchaser" includes mortgagee and pledgee.

"Shares" means a share or shares of stock in a corporation organized under the laws of this State or of another state whose laws are consistent with this Act.

"State" includes State, Territory, District and Insular Possession of the United States.

"Transfer" means transfer of legal title.

"Title" means legal title and does not include a merely equitable or beneficial ownership or interest.

"Value" is any consideration sufficient to support a simple contract. An antecedent or pre-existing obligation, whether for money or not, constitutes value where a certificate is taken either in satisfaction thereof or as security therefor.

(2) A thing is done "in good faith" within the meaning of this Act, when it is in fact done honestly, whether it be done negligently or not.

Section 23. Act Does Not Apply to Existing Certificates.] The provisions of this Act apply only to certificates issued after the taking effect of this Act.

Section 24. Inconsistent Legislation Repealed.] All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Section 25. Name of Act.] This Act may be cited as the Uniform Stock Transfer Act.

Approved February 9, 1921.

Counties

CHAPTER 160.

(H. B. 65.)

RELATING TO APPEALS FROM COUNTY COMMISSIONERS.

AN ACT Entitled, An Act Amending Section 5887 of the South Dakota Revised Code of 1919, Relating to Manner and Time of Taking Appeal from the Decision of the Board of County Commissioners.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 5887 of the South Dakota Revised Code of 1919 be and is hereby amended to read as follows:

Section 5887. Appeal Within Twenty Days, Notice.] Such appeal shall be taken within twenty days after the publication of the decision of the board, by serving a written notice on one of the members of the board, when the appeal is taken by any person aggrieved by the decision of the board, and upon the person or persons affected by the decision of the board when the appeal is taken by the States Attorney; and the County Auditor shall upon the filing of the required bond and the payment of his fees which shall be the same as allowed Registers of Deeds for like service, make out a complete transcript of the proceedings of the board relating to the matter of its decision and deliver the same to the Clerk of Courts.

Approved February 8, 1921.

CHAPTER 161.

(H. B. 9.)

RELATING TO BOUNTIES ON POCKET GOPHERS, CROWS AND MAGPIES.

AN ACT Entitled, An Act to Amend Sections 5907, 5908 and 5909 of the South Dakota Revised Code of 1919, Relating to Bounties.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 5907 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 5907. Bounties.] There shall be paid from the county general fund a bounty of ten cents (10c) for each pocket gopher caught and killed within the county, and the Board of County Commissioners in any county shall also allow a bounty of not to exceed ten cents (10c) for each crow or magpie killed within the county, provided that the person entitled to such bounty shall make, as hereinafter provided, proof of destruction of such animal or bird within thirty (30) days after the same was destroyed.

Section 2. That Section 5908 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Laws—17.

Section 5908. Proof Required.] The person catching or killing any such animal or bird shall remove and present to the County Auditor before whom he makes his proof, both front feet and claws of each gopher, and the head and feet of each crow or magpie for which he claims the bounty, and the person claiming the bounty shall furnish written proof, under oath, that each animal or bird for which he claims the bounty, was caught or killed within the county against which he presents the claim for bounty; and the Board of County Commissioners may require, in addition to the above, any other and further proof which it deems necessary and reasonable, to show that each animal or bird for which the bounty is claimed was caught and killed within the county against which the claim is presented.

Section 3. That Section 5909 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 5909. To Whom Presented.] The proofs required shall be presented to the County Auditor, who shall file the claim to be presented to the County Commissioners at their next meeting, and after counting the claws, heads and feet shall destroy them.

Approved February 7, 1921.

CHAPTER 162.

(H. B. 25.)

RELATING TO DESTRUCTION OF INSECT PESTS.

AN ACT Entitled, An Act Providing for the Destruction of Grasshoppers, Army Worms, Cut Worms and Other Insect Pests, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. When petitioned to do so by fifteen or more resident freeholders of the county, the Board of County Commissioners of any county in this State may provide for the purchase of a mixture containing Paris Green or other like poison in sufficient quantity to be used wherever necessary within the county for the destruction of grasshoppers, army worms, cut worms, or other insect pests, and in such case the Board of County Commissioners, with the advice and assistance of the County Agricultural Agent, where one exists, or any competent agent who may be appointed by the board, shall make rules and regulations for the distribution and use of such poison, and shall determine when and where such poison shall be applied. In purchasing and preparing the ingredients of such mixture the formula prescribed by the South Dakota College of Agriculture shall be used as far as is practicable. The cost of furnishing and preparing such materials, as well as the cost of applying the same in cases where it may become necessary for the county authorities to undertake the spreading of such poison, shall be met out of the county general fund; and the County Commissioners of each county shall hereafter take into consideration the provisions of this chapter in making their annual tax levies.

Section 2. If the County Commissioners shall determine that it is necessary or advisable to spread such poison throughout the county or any particular part thereof, they shall by resolution so declare and such resolution shall describe the territory throughout which such poison is to

be spread, and shall fix a time for the spreading of such poison, which shall be uniform for all portions of the county to be so treated. It shall be the duty of the various Boards of County Commissioners of counties lying within any district infested with the above mentioned insect pests to co-operate in the making of such resolutions and orders to the end that such poison may be spread throughout the infested portions of such counties as nearly upon the same day, or during the same period as is practicable. Notice of such resolution or order shall be published at least ten (10) days prior to the beginning of the time therein fixed for the spreading of such poison, in each of the official newspapers of the county, which notice shall describe the territory affected, shall state where and when such poison may be procured, and shall require the residents of such infected district or districts to procure and spread such poison at the time or within the period designated by said order or resolution, under such rules and regulations as the board and the County Agricultural Agent may prescribe; provided, that no person shall be required to put out such mixture upon land actually being used for pasture or in or immediately around farm dwellings or buildings. The provisions of Section 3977 of the Revised Code of 1919 shall not apply to the putting out of poison under the provisions of this Act. Provided further in case of an emergency the Board of County Commissioners may comply with the provisions of this Act without meeting with the requirements of publication.

Section 3. Upon the passage of such resolution and the giving of such notice as is hereinbefore provided, it shall be the duty of each owner or tenant occupying or using any land within the area described in said resolution and notice to procure from the County Commissioners and spread upon his land a sufficient quantity of the prescribed poison under the direction of, or pursuant to the rules established by, the County Agricultural Agent or any other agent employed by the Board of County Commissioners to supervise such work. And if any such owner or tenant within such infected area shall neglect or refuse to apply the poison for five (5) days after the date fixed for the putting out of the same, or within the designated period, in case a period of days shall be designated in said resolution and notice, it shall be the duty of the County Commissioners to put out such poison upon the land of such person, and the expense thereof shall be a lawful charge upon the land to be taxed against the same as hereinafter provided. If any of the County Commissioners shall personally undertake to spread such poison, in the event of the neglect or refusal of the land holder, they shall be entitled to receive per diem and mileage for the time thus employed at the same rate as is allowed when performing their other official duties; if persons other than the County Commissioners are employed for such work such persons shall receive such reasonable compensation as may be determined by the Board of County Commissioners for the actual time employed. Any person designated to do such work shall have authority to enter upon any farm, railroad right of way, ground or other premises designated in the above mentioned resolution and notice and to poison, kill and exterminate such insect pests when the owner or occupant of said premises shall neglect or refuse to do so.

Section 4. All such persons so employed shall make a sworn statement to the County Commissioners on forms provided by the County Auditor of the expense of spreading such poison on each tract of land, and the County Auditor shall enter such amounts upon the tax roll of the county against each such tract of land and the County Treasurer of

the county shall collect such amounts in the same manner as other taxes are collected, and credit same to the General Fund of the county.

Section 5. Any person who shall prevent, obstruct or in any manner interfere with the county authorities or their agents in the spreading of the poison as hereinbefore provided shall be deemed guilty of a misdemeanor.

Section 6. Whereas, this Act is necessary for the immediate preservation of the public health and safety, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Approved February 8, 1921.

CHAPTER 163.

(S. B. 195.)

RELATING TO COUNTY FREE LIBRARIES.

AN ACT Entitled, An Act to Provide County Free Libraries and to Provide Funds for Handling the Same.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. When a petition is filed with the County Auditor of any county in this State signed by at least forty per cent of the legal voters of such county, as shown by the vote cast for the Governor at the last general election therein, which petition shall be signed in at least sixty per cent of the taxing districts of such county affected thereby, providing that the Board of County Commissioners establish a free library for such county, the said Board of County Commissioners is authorized and is directed to establish such library, and in that event and for that purpose the provisions of this Act shall become effective and applicable, and in case a library is so established the County Commissioners shall levy a suitable tax to maintain the same.

Section 2. If there is no free public library in such county, suitable or available for use as a central library of the county system, the Board of County Commissioners upon the filing of a petition provided for in Section 1 of this Act, shall appoint a Board of County Public Library Trustees, for such county, consisting of five competent citizens, two of whom shall be women, and not more than one of whom shall be a member of the appointing board. One of said trustees shall be appointed for one year, two for two years, and two for three years, and annually thereafter, or whenever a vacancy may occur, for a term of three years, respectively, or until their successors are appointed and qualified. The said Board of County Public Library Trustees shall exercise such powers in establishing, regulating and maintaining a free public library as are given to them by this chapter. Such County Public Library Trustees shall receive no compensations for their services as such trustees. The County Librarian shall be the Secretary of such Board of County Library Trustees.

Section 3. Such County Library Trustees shall qualify within ten days after their appointment by taking, subscribing and filing with the County Auditor of such county, an oath that they will support the constitution of the United States and of this State, and that he or she will

faithfully and impartially to the best of her knowledge and ability perform all the duties of County Public Library Trustee.

Section 4. It shall be the duty of the County Public Library Trustees to provide suitable accommodations for the free public library and for the accommodations of the public in using the same. They shall select books, papers and periodicals for such County Free Public Library, and they may exclude from such library any reading matter they may deem harmful; they may accept gifts of books, money or property for the use of the benefit of such public library. They shall appoint a librarian and other persons necessary for the care of such library and fix their compensation. Any librarian so appointed shall have the qualifications and training as shall be approved by the State Library Commission. The County Public Library Trustees shall make all necessary rules and regulations pertaining to the use and selection of the books and periodicals of said library and shall determine what books may be circulated and what shall be retained in the library for reference purposes only, and they may provide for the circulation of the books in the rural communities of such county; and said public library trustees shall have the power to place certain books upon a pay shelf, for which a reasonable charge may be made for the use thereof.

Section 5. On or before the first day of August of each year, the County Public Library Trustees shall make careful estimate of the necessary expenses for the maintenance and extension of the County Free Public Library for the ensuing year and shall certify the same to the Board of County Commissioners of the county in which the library is located; the said Board of County Commissioners shall levy tax upon the taxable property of the county sufficient therefor, but not to exceed in any one year a rate of one-half of one mill upon the taxable property of such county which taxes shall be extended and collected as are other taxes, which tax when collected shall constitute the County Free Library Fund of such county, and shall be credited to the County Library Fund and the cost of maintenance and extension of such County Free Library shall be paid therefrom, which fund shall be paid out upon warrants drawn by the County Auditor of the county based upon vouchers filed by the Board of County Public Library Trustees. Provided, that in making the levy of taxes for the support of County Free Library by the Board of County Commissioners of any county of the State, it shall omit from such levy any taxing district that may at the time of making such levy be maintaining a free public library by revenue derived from taxes in such taxing district and residents of any taxing districts so omitted shall be entitled to the benefits of such county library only by complying with such rules and regulations as may be made by the public library trustees and by payment of such fees and charges as may be required by such rules.

Section 6. In counties where there are one or more free libraries, the Board of County Commissioners are authorized and empowered to take over the care and control of the same upon such terms and conditions as may be agreed upon by and between such Board of County Commissioners and the then existing Board of Library Trustees of such libraries. The Board of County Commissioners may contract with the library board of such county for free service to all residents of the county upon such terms as may be agreed upon between such commissioners and the library board for a term of five years to be thereafter renewed, if terms can be agreed upon, for terms of not less than five nor more than ten years. Provided, also, that even there are more than one such free public library in the county, the Board of County Com-

missioners may contract with each of such library board for such free service if in its judgment advisable. Provided further, that in case the Board of County Commissioners and said library board of such city, town or township are not able to agree upon terms satisfactory to both, that in any event the Board of County Commissioners shall proceed to appoint a Board of County Public Library Trustees as hereinbefore provided. It is also provided herein that in case twenty per cent or more of the cost of maintaining any such library thus contracted with shall be borne by the county, then there shall be two members added to such board of library trustees to be appointed by the County Commissioners of the county to act upon county affairs in connection therewith.

Section 7. It shall be the duty of the County Public Library Trustees, or the public library trustees contracted with as hereinbefore provided, on or before the first day of August in each year to make a report, in duplicate, filing one with the Board of County Commissioners and the other with the Free Library Commission, upon blanks provided by the Free Library Commission for such purpose, which report shall be for the fiscal year ending June 30 next preceding such report; providing, however, that in counties where the County Commissioners contract with the library board, then and in that event, such report shall be made in triplicate, the additional copy to be filed with the body appointing such board.

Section 8. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 12, 1921.

CHAPTER 164.

(S. B. 116)

AUTHORIZING A BUILDING AT COUNTY SEATS FOR JOINT COUNTY, CITY, COMMUNITY AND MEMORIAL PURPOSES.

AN ACT Entitled, An Act Authorizing Counties and Cities or Towns to Join in the Erection and Equipment, and to Acquire and Hold Jointly Sites and Property, Transfer Moneys Now on Hand or Hereafter Acquired for Building Purposes, and Make Tax Levies, Issue Their Bonds and Receive Donations and Subscriptions for the Purpose of Erection and Complete Equipment, at the County Seat, of a Building or Buildings for County, City, Community and Memorial Purposes.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. The Board of County Commissioners of any county and the governing body of the county seat of any county, whenever the board of County Commissioners and the governing body of said county seat, by resolution, declares that it is for the best interests of the county, city or town and in the interests of economy and efficiency, to erect and maintain a joint building for county, city, community and memorial purposes, shall have authority and the power to employ competent architects and engineers, and secure plans and specifications for such proposed joint building and shall determine the approximate cost thereof and the proportion thereof, that should be borne by each. After the Board of County Commissioners and the governing body shall decide and agree upon such plans and specifications as will

provide for all of the needs of the county, town and community, and after determining the approximate cost thereof, shall call a special election for the purpose of submitting to the electors of said county, the question of issuing bonds for said purpose, and at the same time and at the same election, there shall be submitted by the governing body of the city, or town, the question of issuing bonds of said town or city to cover its share of said expense.

The election shall be called, noticed and held the same as other special elections, provided, the same may be submitted at a regular election, if so desired. The ballot shall be in the form required by law for bond elections of municipal corporations and a majority of all votes cast at the election and voting on such proposition shall be necessary to authorize such bond issue. Provided, that if the county, or city, or town shall fail to authorize said bond issue, then all further work shall be discontinued, provided, however, the county or town or city failing to authorize said bond issue may re-submit the same as hereinbefore provided, within 6 months and if then authorized, the county, town or city may proceed with such work, otherwise, no further work shall be done until a new vote is had by both the county and town or city interested. After the issuance of bonds is authorized as hereinbefore provided, it shall be lawful for the county and city or town to join in the erection and completion of such building as was shown in the plans and specifications prior to such election, and shall have authority to make provisions for the maintenance of the same. The site for any such building shall be determined upon by the commissioners and the governing body and they shall have authority to use any site now owned by either or they may secure a new site.

Section 2. Such counties, cities or towns so joining are authorized to use any and all moneys heretofore acquired or later acquired from taxes levied for county, municipal, community or memorial buildings, for the acquisition of a site for the erection and the erection and equipment of a building or buildings as provided in Section 1 of this Act, and the governing Board of any county, city or town so joining is hereby authorized and empowered to transfer any building fund moneys now on hand to a special fund to be used for the purpose specified in Section 1 of this Act, provided that funds heretofore raised by taxation for a State Memorial Building shall not be used by said county and shall not be transferred to special fund provided for by this Act.

Section 3. Such counties, cities or towns so joining are further authorized to issue their bonds, as now provided by law, and accept private subscriptions and donations for the furtherance and maintenance of such buildings as are erected in compliance with Sections 1 and 2.

Approved March 14, 1921.

CHAPTER 165.

(H. B. 82)

RELATING TO REWARDS FOR CRIMINALS.

AN ACT Entitled, An Act to Amend Section 5903 of the South Dakota Revised Code of 1919, as the Same is Amended by Chapter 147 of the Session Laws of 1919, Relating to Rewards for Criminals and the Powers and Duties of Sheriffs, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 5903 of the South Dakota Revised Code of 1919, as amended by Chapter 147, Laws of 1919, be and the same is hereby amended to read as follows:

Section 5903. Rewards for Criminals—Authority of Sheriff.] The County Commissioners of any county in this State are authorized to offer a standing reward of not to exceed one thousand (\$1,000.00) dollars, for evidence leading to the arrest and conviction of any person or persons guilty of any felony under the laws of this State. They may also in their discretion offer special rewards in reasonable amounts for the purpose of securing the arrest and conviction of any person or persons charged with felony in any particular case. Applications for said reward or any part thereof shall be filed with the County Commissioners who shall determine the rights of the applicants thereto and cause warrants to be issued upon the general fund of the county for such portion of said reward as shall be found to be due thereon. Any person aggrieved by the decision of the County Commissioners may appeal to the circuit court in the manner provided by law, and no warrants shall be issued under the provisions of this section until the time for appealing from said decision has expired. The sheriff may incur any necessary expenses in the pursuit and capture of criminals, and said expenses shall be audited by the County Commissioners and paid out of the county general fund. When travelling with a criminal warrant a sheriff shall be entitled to travelling expenses as fixed by Section 5962 of the Revised Code of 1919, and the laws amendatory thereof, whether or not he shall succeed in making the arrest. When the sheriff travels without a criminal warrant, or for the purpose of investigating alleged crimes, he shall be entitled to receive only his necessary and actual expenses which shall be paid upon the presentation of properly itemized vouchers approved by the States Attorney; provided, that when the sheriff use his own automobile or conveyance upon such trips of investigation, he shall be entitled to receive twenty cents per mile in lieu of his necessary and actual expenses.

Section 2. Whereas, this Act is necessary for the immediate preservation of the public health, peace and safety, an emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved February 17, 1921.

CHAPTER 166.

(S. B. 248)

RELATING TO EXHIBITS AT STATE FAIR.

AN ACT Entitled, An Act to Amend Section 5807 of the South Dakota Revised Code of 1919, Relating to County Exhibit at State Fair, and Appropriation.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 5807 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 5807. County Exhibit at State Fair and Appropriation.]

The Board of County Commissioners in each county may appoint some suitable person to collect and send to the annual State or any county fair or other like agricultural exhibition, agricultural, horticultural, mineral and livestock exhibits, and may expend each year for such purposes a sum not exceeding six hundred dollars; provided, that such county shall receive any and all prizes awarded for such county exhibit, which shall be paid into the general fund of such county.

Approved March 11, 1921.

CHAPTER 167.

(H. B. 343)

RELATING TO QUARTERLY STATEMENT OF AUDITOR AND TREASURER.

AN ACT Entitled, An Act to Amend Section 5947 of the South Dakota Revised Code of 1919 Relating to the Making and Publication of Quarterly Statements of the County Auditor and County Treasurer.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 5947 of the Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 5947. Quarterly Statement of Auditor and Treasurer.]

The County Auditor and County Treasurer, conjointly, shall make out quarterly a detailed exhibit under oath, showing the receipts and disbursements of the county for the preceding quarter; and also the assets and liabilities at the time of making out the same. Such exhibit shall show the amount of all orders on the Treasury issued during the quarter next preceding, on what account, and also the liabilities of the county, stated in detail, and the assets of every kind as near as may be, showing also the amounts of funds in the Treasury at the time of making such exhibit, on what account paid in, the kind of funds, and the place or places where such funds are deposited. Such exhibit shall be made in the form prescribed by the executive accountant, and be posted up in the office of the Treasurer on the first Monday in January, April, July, and October of each year, and shall also be published within ten days thereafter in the official newspapers, a copy of which shall be filed with the executive accountant. For the publication of each such quarterly statement, there shall be allowed and paid to each newspaper in which the same is officially published a fee of \$30.00.

Approved March 1, 1921.

County Commissioners

CHAPTER 168.

(S. B. 297)

RELATING TO COMPENSATION OF COUNTY COMMISSIONERS.

AN ACT Entitled, An Act to Amend Chapter 150 of the South Dakota Session Laws of 1919, Relating to Compensation of County Commissioners.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Chapter 150 of the South Dakota Session Laws of 1919 be amended to read as follows:

Chapter 150. Salary.] County Commissioners shall each be allowed for the time they shall actually and necessarily be employed in the duties of their office and in attending and returning from session of said Board the sum of six (\$6) dollars per day and ten (10) cents per mile for the distance actually traveled in attending the meetings of the board, or when engaged in other official duties, to be paid out of the general county fund. Provided, that when the members of the Board of County Commissioners shall act in drainage matters the rate of compensation shall be the same as herein provided and the amount so received shall not be included in the limit of compensation hereinafter provided. Provided further, that when the Commissioners travel in a body, or when two or more travel together, they shall be allowed actual traveling expenses in lieu of mileage; Provided further, that in any county having a population of fifteen thousand or more, a County Commissioner may receive not to exceed six hundred twenty-five (\$625.00) dollars as per diem and two hundred seventy-five (\$275.00) dollars as mileage during any one year; provided further that in counties having a population of less than fifteen thousand no County Commissioner shall receive more than four hundred (\$400.00) dollars as per diem nor more than two hundred (\$200.00) dollars as mileage during any one year in counties containing forty government townships or less; that no County Commissioner shall receive more than five hundred (\$500.00) dollars as per diem, or more than two hundred (\$200.00) as mileage during any one year in counties having a population of less than fifteen thousand containing more than forty government townships and not to exceed sixty government townships; that no County Commissioner shall receive more than five hundred (\$500.00) dollars as per diem nor more than four hundred (\$400.00) dollars as mileage during any one year in counties having a population of less than fifteen thousand and containing more than sixty government townships.

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved February 28, 1921.

CHAPTER 169.

(S. B. 104)

AUTHORIZING TAX LEVY FOR EXHIBITION BUILDINGS.

AN ACT Entitled, An Act Authorizing County Commissioners to Erect Buildings for Exhibition and Other Purposes.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. The County Commissioners of any county may erect and maintain upon any ground owned by the county a building or buildings to be used for the exhibition of stock, farm produce, school work and domestic arts or for the sale of live stock or for farmers or other meetings or any or all of said purposes.

Section 2. The County Commissioners may levy a tax for the purposes authorized in Section One. That such tax levy shall not exceed three tenths mills on each dollar of taxable property in the county.

Approved March 8, 1921.

CHAPTER 170.

(H. B. 168)

RELATING TO PUBLICATION OF PROCEEDINGS.

AN ACT Entitled, An Act to Amend Section 5895 of the South Dakota Revised Code of Nineteen Hundred Nineteen, as Amended by Chapter 151 of the Laws Passed at the Sixteenth Session of the Legislature of the State of South Dakota, Relating to Publication of County Commissioners Proceedings.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 5895 of the South Dakota Revised Code of Nineteen Hundred Nineteen, as amended by Chapter 151 of the laws at the sixteenth session of the Legislature of the State of South Dakota, be amended to read as follows:

Section 5895. At its first regular meeting in January of each year it shall be the duty of the Board of County Commissioners to designate three legal newspapers printed in the county as official newspapers, or in case there shall not be three legal newspapers within the county, then as many as are legal, in which shall be published a full and complete report of all its official proceedings at all regular and special meetings, and such proceedings shall be published as soon after any meeting as practicable, and the board shall pay for publishing such proceedings at the rate of twenty-five cents per column inch of standard column width, when set in solid 10 point, 35 cents per column inch of standard column width when set in solid 8 point, and 45 cents per column inch of standard column width when set in solid 6 point, to each newspaper designated to publish such proceedings, type used not to be larger than 10 point set solid, provided that whenever a daily newspaper has been designated as an official newspaper the Board may pay for publishing such

proceedings in such daily newspaper at a rate not exceeding the rates for the publication of legal notices provided for by Section 7072 of this Code. All notices required by law to be published by the County Auditor shall also be published in the official newspapers. The editor, publisher or foreman of each official newspaper shall file or cause to be filed with the County Auditor an affidavit of publication executed in due form, of all such legal official publications so made; provided, however, that not more than two newspapers within the same municipality shall be so designated, if there are other legal newspapers published elsewhere within the county.

Approved February 24, 1921.

County Courts

CHAPTER 171.

(H. B. 322)

RELATING TO CLAIMS AGAINST ESTATES OF DECEDENTS.

AN ACT Entitled, An Act to Amend Section 3389 of the South Dakota Revised Code of 1919, Relating to Foreclosure Proceedings, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 3389 of the South Dakota Revised Code of 1919, be and the same is amended to read as follows:

Section 3389. Claims Not Presented In Time Allowed Are Barred.] All claims arising upon contract, whether the same be due; not due or contingent, must be presented within the time limited in the notice, and any claims not so presented is forever barred; provided, that when it is made to appear, by the affidavit of the claimant, to the satisfaction of the County Court, that he had no notice, by reason of being out of the State, it may be presented at any time before a decree of distribution is entered; provided further, that nothing in this section, nor in this title, shall be construed to prohibit the right or limit the time of foreclosure of mortgages upon real or personal property of decedents, but every such mortgage may be foreclosed within the time and in the mode prescribed by title 2, except that no balance of the debt secured by such mortgage remaining unpaid after foreclosure shall be a claim against the estate, unless such debt was presented as required by this title.

Section 2. Whereas, this Act is necessary for the immediate preservation of the public safety and for the support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1921.

CHAPTER 172.

(H. B. 299)

RELATING TO PROBATE NOTICES.

AN ACT Entitled, An Act Relating to Original Notices in Probate Proceedings in the County Court, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. All original notices in probate proceedings except Notices to Creditors shall be signed by the Judge and attested by the Clerk under the Seal of the Court.

Section 2. All Acts or parts of Acts in conflict with this Act are hereby repealed.

Section 3. Whereas, This Act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect after its passage and approval.

Approved March 4, 1921.

Courts

CHAPTER 173.

(S. B. 49)

TERMS OF COURT, SECOND CIRCUIT.

AN ACT Entitled, An Act to Amend Section 5171 of the South Dakota Revised Code of 1919, Relating to the Regular Terms of Court to be Held in the Second Judicial Circuit.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 5171 of the South Dakota Revised Code of 1919 is hereby amended to read as follows:

Section 5171. The Second Judicial Circuit shall consist of the counties of Lake, Lincoln, McCook, Minnehaha, Moody, Turner and Union. Regular terms of Court shall be held annually in each of said counties as follows:

Lake, the fourth Monday in February and the second Monday in October.

Lincoln, the first Monday in April and the second Monday in November.

McCook, the first Monday in February and the first Tuesday in September.

Minnehaha, the third Monday in January and the second Monday in May and the second Monday in September.

Moody, the fourth Monday in April and the first Monday in December.

Turner, the second Monday in January, the third Monday in May and the fourth Monday in September.

Union, the third Monday in March and the fourth Monday in October.

Approved February 4, 1921.

CHAPTER 174.

(H. B. 44)

TERMS OF COURT, THIRD CIRCUIT.

AN ACT Entitled, An Act to Amend Section 5172 of the Revised Code of 1919, Relating to Boundaries and Terms in the Third Judicial Circuit.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 5172 of the South Dakota Revised Code of 1919 be and is hereby amended to read as follows:

Section 5172. Third Circuit.] The Third Judicial Circuit shall consist of the Counties of Brookings, Clark, Codington, Deuel and Hamlin. Regular terms of court shall be held annually in each of said counties as follows:

Brookings, on the second Tuesday in January and the first Tuesday in June.

Clark, on the second Tuesday in May and the first Tuesday in October.

Codington, on the second Tuesday in March, the second Tuesday in November and the second Tuesday in July.

Deuel, on the first Tuesday in February and the third Tuesday in June.

Hamlin, on the third Tuesday in February and the fourth Tuesday in October.

Approved February 8, 1921.

CHAPTER 175.

(H. B. 54)

TERMS OF COURT, EIGHTH CIRCUIT.

AN ACT Entitled, An Act to Amend Section 5177 of the South Dakota Revised Code of 1919, Relating to Terms of Court and Fixing Terms of Circuit Court in the Eighth Judicial Circuit, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 5177, South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 5177. Eighth Circuit.] The eighth judicial circuit shall consist of the counties of Lawrence, Meade and Butte. Regular terms of court shall be held annually in each of said counties as follows:

Lawrence, on the first Monday in June and the first Monday in December.

Meade, on the first Monday in May and the first Monday in October.

Butte, on the third Monday in May and the first Thursday after the first Monday in November.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions an emergency is hereby declared to exist and this Act, shall be in full force and effect from and after its passage and approval.

Approved February 8, 1921.

CHAPTER 176.

(S. B. 19)

PROVIDING FOR ADDITIONAL JUDGE, ELEVENTH CIRCUIT.

AN ACT Entitled, An Act to Provide for an Additional Judge for the Eleventh Judicial Circuit.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That there shall be two Judges of the Circuit Court of the Eleventh Judicial Circuit and the vacancy in the office of the Judge of the said Circuit hereby created by the provision hereby made for an additional Judge for the said Court in said Circuit shall be filled by appointment by the Governor and such appointee shall hold the office until his successor is elected at the next general election at which Circuit Judges for the said Circuit shall be elected as provided by law and has qualified; Provided, however, that the two Judges of the said Circuit shall not be electors of the same County. The discharge of the duties of their offices shall be apportioned by the said Judges by agreement between them and in case of their failure so to agree then as the presiding Judge of the Supreme Court shall from time to time direct.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved February 4, 1921.

CHAPTER 177.

(S. B. 43)

RELATING TO COMPENSATION OF CLERK OF COURTS.

AN ACT Entitled An Act, to Provide for the Compensation of Clerks of Courts for Service in Connection With Unorganized Counties Attached to Organized Counties for Judicial Purposes and Providing the Manner of Payment and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That the Clerk of Courts of any County within this State to which an unorganized county or counties are attached for judicial purposes shall receive for his salary, in connection with said unorganized county or counties, one hundred (\$100.00) dollars per annum, which shall be paid in the same manner as the additional salary as the States Attorney and County Judges for his services in connection with unorganized counties.

Section 2. The Board of County Commissioners of the organized County to which an unorganized county is attached for State, Judicial or other purposes, shall, at the time of making a levy for taxes on property assessable in unorganized counties, include in said levy the additional salary of Clerks of Courts, as provided in this Act.

Section 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 4. Whereas, this Act is necessary for the immediate support of the State Government and its existing institutions, an emergency is hereby declared to exist, and this Act shall take effect and be in full force and effect from and after its passage and approval.

Approved February 14, 1921.

CHAPTER 178.

(H. B. 268)

RELATING TO THE TAKING OF DEPOSITIONS BY A COMMISSION.

AN ACT Entitled, An Act to Amend Section 2761 of the South Dakota Revised Code of 1919, so as to Permit Commissions to be Issued by Courts in Default Cases.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 2761 of the South Dakota Revised Code of 1919, be amended as follows:

Section 2761. Commission To Take Depositions.] Any Court of record of this State, or any Judge thereof, is authorized to grant a commission to take depositions within or without the State. The commission must be issued to a person or persons therein named, by the Clerk under the seal of the Court granting the same, and depositions under it must be taken upon written interrogatories, unless the parties otherwise agree. Provided, that in default cases, whenever it shall be made to appear to the Court or Judge of a Court wherein an

action is pending, that the defendants are in default, such Court or Judge may grant a commission without notice to take the testimony of the plaintiff or any other material witness. Such commission may issue within or without the County or State where the action is pending. The petition in such case must be verified by the plaintiff or his attorney, and must show in a general way the nature of the action, the manner of service, the default of the defendants, and must have attached to it the questions to be propounded to the witness. Such a commission shall not issue to take the testimony of a plaintiff in a divorce action.

Approved March 4, 1921.

CHAPTER 179.

(H. B. 206)

RELATING TO EXAMINATION OF INJURED PERSONS IN PERSONAL INJURY ACTIONS.

AN ACT Entitled, An Act to Authorize the Physical Examination of the Parties in Personal Injury Actions, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. On or before the trial of any action brought to recover damages for injury to the person, the Court before whom such action is pending may, from time to time, on application of any party therein, order and direct an examination of the person injured as to the injury complained of by a competent physician or physicians, surgeon or surgeons, including X-ray examinations and the taking of X-ray photographs, in order to qualify the person or persons making such examination to testify in the said cause as to the nature, extent and probable duration of the injury complained of; and the court may in such order direct and determine the time and place of such examinations, provided, this Act shall not be construed to prevent any other person or physician from being called and examined as a witness as heretofore.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1921.

CHAPTER 180.**(H. B. 351)****RELATING TO CIRCUIT JUDGES ACTING IN OTHER CIRCUITS.**

AN ACT Entitled, An Act to Amend Section 5184 of the Revised Code, 1919, and to Provide for the Supplying of Judges to Hear and to Try Disqualified Cases and Other Causes in Circuits Other Than Their Own.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 5184 of the Revised Code of South Dakota, 1919, be, and the same is hereby amended to read as follows:

Section 5184. Circuit Judges Hold Court In Other Circuits.] Circuit Judges are authorized to hold terms of Court and to hear, try and determine at chambers any motion, application or special proceeding in circuits other than the one in which they have been elected, upon the request of, or by agreement with the Judge of such other circuit; and the Supreme Court or the presiding Judge thereof, is authorized upon the request of any circuit Judge or whenever the Judge of any circuit is absent from the State or for any cause unable to act, to require the Judge of another circuit to hold court for or to assist such Judge in the discharge of his official duties. Any Judge acting in any circuit other than his own under the provisions of this section shall be entitled to his necessary expenses in the performance of such duty, to be audited and paid out of any money in the State Treasury not otherwise appropriated.

Section 2. Emergency.] Whereas, There is now no adequate method provided by law for securing Judges in the cases provided for by Section 1 hereof, and this Act is necessary for the maintenance of the Government of the State and its institutions, an emergency is hereby declared and this Act shall be in force and effect from and after its passage and approval.

Approved March 4, 1921.

CHAPTER 181.**(S. B. 214)****RELATING TO JUDGMENT NOTWITHSTANDING VERDICT.**

AN ACT Entitled, An Act to Amend Section 2563 of the South Dakota Revised Code of 1919, Relating to the Making and Setting Aside of Judgments and the Entry of Judgment Notwithstanding the Verdict, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 2563 of the South Dakota Revised Code of 1919 be and the same is hereby amended by adding thereto a further paragraph or subdivision to be known as subdivision 5, as follows:

5. In all cases where at the close of the testimony in the case tried, a motion is made by either party to the suit requesting the trial court to direct a verdict in favor of the party making such motion,

which motion was denied, the trial court on motion made, that judgment be entered notwithstanding the verdict, or on motion for a new trial, may order judgement to be entered in favor of the party who was entitled to have a verdict directed in his or its favor; and the Supreme Court of the State on appeal from an order granting or denying a motion for a new trial in the action in which such motion was made, or upon a review of such order or on appeal from the judgement, may order and direct judgement to be entered in favor of the party who was entitled to have such verdict directed in his or its favor, whenever it shall appear from the testimony that the party was entitled to have such motion granted.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1921.

CHAPTER 182.

(S. B. 320)

RELATING TO JURISDICTION OF CIRCUIT COURT IN CASES OF LAND PATENTED TO HEIRS AND LEGALIZING COUNTY COURT PROCEEDINGS IN SUCH CASES.

AN ACT Entitled, An Act to Amend Section 2869 of the South Dakota Revised Code of 1919, and to Validate Certain Proceedings in County Courts.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That section 2869 of the South Dakota Revised Code of 1919 is hereby amended to read as follows:

Section 2869. Where A Patent Has Been Issued to the Heirs of a Deceased Person by the U. S. Government.] Whenever a patent shall have been issued direct to the heirs of a deceased person under the homestead or any other laws of the United States, the circuit court of the county in which such lands so patented are situated shall have original jurisdiction, in a civil action brought for that purpose, to determine who are such heirs, and to determine the respective shares of such heirs in and to the lands so patented; provided that whenever the county court of the county in which any such lands are situated has prior to the 12th day of March, 1913, determined who were the heirs of any such deceased person, and the respective shares of such heirs in and to the land so patented, the decree of said county court so establishing and declaring such heirship and such respective shares shall have the same force, effect and validity as if said heirship and such share had been determined in the circuit court of the county in which such lands so patented were situated.

Approved March 14, 1921.

CHAPTER 183.

(H. B. 69)

RELATING TO JURORS.

AN ACT Entitled, An Act to Amend Sub-Section 9 of Section 2502 of the South Dakota Revised Code of 1919, Relating to Jurors.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Sub-section 9 of Section 2502 of the South Dakota Revised Code of 1919 be Amended to read as follows:

9. That he has served as a Juror on the trial of a cause in any Court of record in the county within two years previous to the opening day of the term of Court during which he is offered as a Juror, or that he is a party to a suit pending for trial in that Court at that term.

Approved February 10, 1921.

CHAPTER 184.

(S. B. 10)

RELATING TO FEES OF JURORS.

AN ACT Entitled, An Act to Amend Section 5305 of the South Dakota Revised Code of 1919, Relating to Jurors Fees in the Circuit and County Courts.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 5305 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 5305. Fees in Circuit and County Courts.] Each grand, petit or special juror, for each day's attendance upon the circuit or county court, shall receive four dollars, and ten cents for each mile actually and necessarily traveled, to be paid by the county. Such juror's fees shall be paid by the County Treasurer upon the presentation of warrants, which warrants shall be issued by the County Auditor forthwith, upon the filing of each juror's certificate of attendance, which certificates shall bear the endorsement or certificate of the Clerk of the Court in which such fees accrued, to the effect that such certificate is accurate as to the time expended and the amount of fees claimed.

Approved February 8, 1921.

CHAPTER 185.

(H. B. 276)

RELATING TO MOTION FOR NEW TRIAL.

AN ACT Entitled, An Act to Amend Section 2559 of the South Dakota Revised Code of 1919, and to Limit Extensions of Time for Presenting Motions for New Trial, of Time for Filing Orders Granting or Denying New Trials.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 2559 of the South Dakota Revised Code of 1919 is hereby amended to read as follows:

Section 2559. The Court or Judge, upon good cause shown, may extend time within which any of the acts required by this and the preceeding article may be done; or may, after the time limited therefor has expired, fix another time within which any of such acts may be done provided, however, that the time for presenting a motion for new trial shall not be extended beyond the time limited by statute for appealing from final judgement in the action; and the judge shall make and file the order granting or denying such new trial within sixty days after presentation of such motion. In cases in which motion for new trial have heretofore been presented decision on such motion may be made and filed within sixty days after date upon which this Act takes effect.

Approved March 4, 1921.

CHAPTER 186.

(H. B. 190)

RELATING TO PHOTOGRAPHS AND MEASUREMENTS OF SUSPECTS AND CONVICTS.

AN ACT Entitled, An Act Authorizing the Taking and Preservation of Photographs, Measurements, Descriptions and Other Information of or Concerning Persons Accused or Convicted of Crime.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That the warden or superintendent of any penal or reformatory institution in this state, the head of the State Constabulary or his authorized deputies or agents, the Sheriff of any county in this state, or the Chief of Police of any municipality in the state is hereby authorized and empowered, when in his judgement such proceeding shall be necessary for the purpose of identifying any person accused or convicted of crime, or for the purpose of preventing the escape or of facilitating the recapture of any such person, to cause to be taken or made and preserved such photographs, impressions, measurements, descriptions and records as may in the judgment of any of said officials be deemed necessary.

Section 2. All photographs, impressions, measurements, descriptions or records taken or made as hereinbefore provided for shall be filed and preserved in the department or institution where made or

taken and shall not be published, transferred or circulated outside such department or institutions, nor exhibited to the public or any person or persons except duly authorized peace officers unless the subject of such photograph, measurement, description or other record shall have become a fugitive from justice, or shall have escaped from a penal or reformatory institution.

Approved February 25, 1921.

CHAPTER 187.

(S. B. 172)

RELATING TO PROCEDURE IN CASE OF SMALL CLAIMS.

AN ACT Entitled, An Act to Establish a New Procedure for the Hearing and Determination of Small Claims.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. The supreme court shall on or before the first day of September, 1921, make uniform rules of practice applicable to justice courts, police courts, county courts and municipal courts in this state, providing for a simple, informal and inexpensive procedure, hereinafter called the procedure, for the determination according to the rules of substantive law, of claims in the nature of contract or tort other than slander and libel, in which the plaintiff does not claim as debt or damages more than fifty dollars; and for review of judgments upon such claims when justice so requires. The procedure shall not be exclusive but shall be alternative to the formal procedure for actions begun by summons. The procedure shall include the beginning of actions with an entry fee of one dollar but without summons, and without requirement; except by special order of the justice or court, of other pleading than a statement to the Clerk of Court or Courts, or Justice, who shall reduce the same to concise written form in a docket kept for the purpose. The procedure shall include notice by registered mail instead of the mode of legal service heretofore required and shall further include provisions for early hearing of actions thus begun. The procedure may include the modification of any or all of existing rules of pleading and practice and a stay of the entry of judgment or of the issue of execution. The rules for the procedure may provide for the elimination of any or all fees and costs now fixed by law, except justice of the court fees, and may also provide that the imposition of costs in actions under the procedure shall be in the discretion of the court or justice. In actions begun under the procedure, the court or justice may, on application for cause shown, issue garnishments, writs of attachment of property or person as in actions begun by summons.

Section 2. A plaintiff beginning an action under the procedure shall be deemed to have waived a trial by jury and his right of appeal to the circuit court unless said action shall be removed to the circuit, county or municipal court as hereinafter provided, in which case the plaintiff shall have the same right to claim a trial by jury as if the action had been begun in the circuit, county or municipal court. No other party to an action under the procedure shall be entitled to an appeal as aforesaid. In lieu thereof, such party may,

prior to the date upon which he shall be notified to appear, file in the court or with the justice in which the action is pending, a claim of trial by jury and his affidavit that there are questions of fact in the action requiring trial, with specifications of the same, and that such trial is intended in good faith, together with the sum of three dollars for the entry of the action for trial by jury in the circuit, county, municipal or justice court as the case may be. The clerk of courts or justice shall forthwith transmit such original papers or attested copies thereof as the rules made under Section 1 of this act may provide, and the circuit, municipal or justice court may try the action as transmitted or may require pleading as in an action by summons, but the action may be marked for trial on the list of causes advanced for speedy trial by jury, provided that the procedure may provide for a jury trial in the court wherein the action is commenced upon demand by the defendant and the payment of the fee herein required.

Section 3. In any action brought by or against two or more persons in which separate judgments are authorized by law, the party seeking removal may specify in his claim of jury trial the parties as to whom such trial is claimed, in which case the cause shall be removed as to such parties only as are specified in his claim and the court or justice before whom the case is brought shall retain jurisdiction as to the remainder. In such case the Clerk of Court or Courts or justice shall transmit attested copies of the papers in the action to the clerk of the circuit, county or municipal court in lieu of the originals as may be provided under the procedure prescribed by the supreme court.

Section 4. The court or justice may in its discretion transfer an action begun under this act to the regular civil docket for formal hearing before a jury and determination as though it had been begun by summons and may impose terms upon such transfer.

Section 5. In any action begun by summons which might have been begun under the informal procedure herein provided for, the rules may provide or the court or justice may by special order direct, that the costs to be recovered by the plaintiff, if he prevails, shall be eliminated in whole or in part.

Section 6. This act shall take effect on the 1st day of January, 1922.

Approved March 12, 1921.

Custer State Park

CHAPTER 188.

(S. B. 153)

RELATING TO CUSTER STATE PARK.

AN ACT Entitled, An Act to Include Within the Boundaries of the Custer State Park, Land Designated or to be Designated by the President of the United States as the Custer State Park Game Sanctuary, Under and by Virtue of an Act of Congress, Being H. R. 11,398 of the House of Representatives, and Placing the Custer State Park Game Sanctuary Under the Management and Control of the Custer State Park Board, Giving to the Said Board With Respect Thereto the Same Powers and Duties That Have Heretofore Been or May be Conferred on it, and Providing for the Protection of Game Animals and Birds Within the Boundaries of the Custer State Park as Enlarged by This Act.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. The Custer State Park is hereby enlarged to include within its boundaries the lands commonly known as the Harney Peak District, and designated or to be designated by the President of the United States, as the Custer State Park Game Sanctuary, pursuant to an act of Congress, being H. R. 11, 398 House of Representatives, which lands so designated or to be designated are described as follows: The South one-half of sections 7, 8, 9, 10, 11 and 12, and all of sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36 in township two (2) south of range five (5) east of the Black Hills Meridian; and sections 23, 24, 25, 26, and 36, and the north one-half of section 35 in township two (2) south of range four (4) east of the Black Hills Meridian; and that piece or parcel of land in sections 22 and 27, township two (2) south of range four (4) east of the Black Hills Meridian described as follows: beginning at the northeast corner of section 22, thence west about one-quarter of a mile to the Chicago, Burlington & Quincy Railroad tracks, thence southwesterly to the southwest corner of section 27, thence east to the southeast corner of section 27, thence north to the place of beginning; and the north one-half of section 1 of township three (3) south of range four (4) east of the Black Hills Meridian; and sections 3, 4, 5, and 6, of townships three (3) south of range five (5) east of the Black Hills Meridian; and the south half of sections 19 and 20, and the and the southwest quarter of section 21, and sections 29, 30, 31, and 32, and the west half of sections 28 and 33 in township two (2) south of range six (6) east of the Black Hills Meridian.

Section 2. The Custer State Park as enlarged by this Act is hereby placed under the control and management of the Custer State Park Board and the same powers and duties in respect thereto are hereby conferred upon said board as are now or may hereafter be conferred by legislative enactment.

Section 3. That all laws now in force or that may hereafter be enacted, relative to the Custer State Park, shall hereafter apply to the Custer State Park as hereby enlarged; and the term "Custer State Park" shall be deemed to include the Custer State Park Game Sanctuary.

Section 4. To encourage the erection of summer cottages, the Park

Board is hereby authorized to make term leases of lots for this purpose, but no lease shall be made on the slopes of Sylvan Lake or within view of the Lake.

Section 5. That from and after the passage and approval of this Act, it shall be unlawful for any person or persons to hunt, trap, kill or capture game animals or game birds within the boundaries of the Custer State Park, except under such regulations as may be prescribed from time to time by the Custer State Park Board; and authority is hereby granted to the said Board to permit the hunting, trapping, or killing of game animals and birds in said park under such regulations as the board may prescribe. Provided, that such regulations shall not conflict with any Act of Congress or any regulations of the Secretary of Agriculture of the United States. Provided further, that the Game and Fish Commission may continue to have the same control over the game animals of the Park as heretofore provided by law.

Section 6. Any person hunting, trapping, killing or capturing game animals or game birds within the Custer State Park without first having complied with such regulations as the Board may prescribe, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than one hundred dollars nor more than one thousand dollars, or imprisonment for a period of not to exceed one year, or by both such fine and imprisonment, at the discretion of the Court.

Section 7. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 8. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1921.

CHAPTER 189.

(S. B. 164.)

RELATING TO CUSTER STATE PARK BOARD.

AN ACT Entitled, An Act Conferring Additional Powers, and Prescribing Additional Duties Upon the Custer State Park Board, and Providing for a Secretary.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That, in addition to the powers and duties of the State Park Board heretofore prescribed by law, said Board is hereby given the following powers and duties:

(a) It shall be the duty of the Custer Park Board to erect and construct such fire tool boxes and locate the same in such places in the Park as to the Board shall seem advisable and to equip the said fire tool boxes with proper fire fighting tools, and to pay for the same out of any funds available.

(b) The said Park Board is hereby empowered to construct such road signs and erect same at such points within the Park or on roads leading to the Park, as to the Board shall seem advisable, and to pay for the same out of any funds available.

(c) The Custer State Park Board is hereby empowered and it is its duty to build, erect and construct a fence around the entire Custer State Park, and to install gates in such fence at such places as it shall deem necessary, and to pay for the same out of any funds available.

(d) The said Board shall have power to maintain or assist in the maintaining of schools within the Custer State Park, and to pay for the same out of any funds available.

(e) The said Board shall have power to take up all stray domestic animals found within the boundaries of the Custer State Park, and shall advertise and sell the same under such procedure as is now provided by law for taking up and selling of strays.

Section 2. All revenue derived from the sale of timber shall be placed in the general fund of the State, but all other revenue shall be placed in a revolving fund and shall be available for the use of the Park Board for any purpose provided by law.

Section 3. The members of the Board shall receive no compensation other than their actual and necessary expenses in the performance of their duties, but the Governor as Chairman of the Custer State Park Board is hereby authorized to name one member of the Board as Secretary of said Board, and to fix his salary in a sum not exceeding one hundred dollars per month. Provided, that the Governor may at any time appoint any other person as Secretary of said Board.

Section 4. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1921.

Department of Agriculture

CHAPTER 190.

(S. B. 162.)

RELATING TO DEPARTMENT OF AGRICULTURE.

AN ACT Entitled, An Act Establishing a Department of Agriculture of the State of South Dakota, Prescribing its Powers and Duties, Absorbing the Powers and Duties of the Department of Marketing and Repealing Sections 7985, 7986 and 7989 of the South Dakota Revised Code of Nineteen Hundred Nineteen.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby created and established a Department of Agriculture of the State of South Dakota, said Department shall be in charge of a Commissioner under the general supervision of the Governor, to be known as the "Commissioner of Agriculture," who shall be appointed by the Governor with the advise and consent of the Senate, for a term of two years, or until his successor is appointed and qualifies. The said Commissioner shall receive a salary to be fixed by the Governor, but not to exceed the sum of four thousand dollars per annum, and shall be allowed his actual and necessary expenses incurred in the performance of his official duties when absent from the State Capital. Before entering upon the duties of his office the said Director shall take and subscribe the oath of office required of State officials and shall execute a bond to the State in accordance with Chapter 318 of the Session Laws of South Dakota of 1919, or Acts in amendment thereof, in the amount of five thousand (\$5,000.00) dollars. The said Director may be removed by the Governor at any time at the will of the Governor.

The Department of Agriculture shall be provided suitable office and equipment at the seat of government. The Commissioner of Agriculture shall have authority, subject to the approval of the Governor, to employ such assistants, agents, inspectors and employees as may be necessary to carry out the powers and duties of said Department, and fix their salaries and compensation. All assistants, agents, inspectors and employees may be removed at the will of the Director.

Section 2. It shall be the duty of the Department of Agriculture to encourage and promote the development of agricultural industries, investigate production and marketing conditions affecting the marketing of farm products, assist farmers, producers and consumers in the organization and management of co-operative enterprises and the co-operative marketing of farm products; and it shall be the duty of said Department to co-operate with the proper agencies of the federal government, of the governments of other states, and with the state institutions of South Dakota and all voluntary or official organizations formed within the State or any section thereof, in all ways that may be beneficial to the agricultural interests of the State.

Section 3. The Department of Agriculture shall promote organized effort to encourage better production methods, improve transportation, increase storage and credit facilities and open markets both domestic and foreign, for agricultural products, it shall assist in the organization of primary, centralized or terminal co-operative selling agencies for grain, livestock, wool, potatoes, milk, eggs, and other agricultural products by making thorough preliminary investigations, reporting suggestions and rendering service in organization, and perform such other services in connection with co-operative organization and management as may be desirable and be requested, and to prescribe rules and regulations under which such service shall be rendered, and prescribe fees for auditing service and for any other individual service that may be performed not of a general nature nor of strictly public interest.

Section 4. The Department of Agriculture shall make as complete and exhaustive study as possible of the cost of producing the following farm products under average farm conditions in this State, namely: grain, livestock, wool, potatoes, poultry, dairy products, vegetables, fruit and hay. The Commissioner and any assistant, agent or inspector employed pursuant to the provisions of this Act are authorized and directed to secure information which they will require in making their computations from the records and accounts of farmers, threshers, elevators, public warehouses, local livestock buyers, grain dealers, commission merchants, brokers, mills, railroads and other transportation companies, the State College of Agriculture and other State educational institutions, boards of trade at primary and terminal markets, and from all other proper sources; and it shall be the duty of all farmers, threshers, managers of elevators, and public warehouses, all local livestock buyers, grain dealers, commission merchants, brokers, millers, creamery and produce dealers, all officers and employees of railroads and other transportation companies, all officers, instructors and teachers in the State College of Agriculture and in other State educational institutions and all other officers and employees of the State Government, and all officers of boards of trade at primary or terminal markets in this State, to co-operate with and to assist the Commissioner and his assistants, agents and inspectors in securing such information as they shall require in making their investigations. The Commissioner of the Department of Agriculture shall prepare a comprehensive plan or outline of the study and investigation to be made and of the information to be secured; and

the assistants, agents and inspectors shall be required to observe such plan and outline in securing, recording and preserving all the information which he or they shall secure. All papers, records, documents, information and data of every kind collected or secured by the Commissioner or his assistants, agents and inspectors shall be kept and preserved in the office of the Department of Agriculture. On or before the 1st day of January 1922, and annually thereafter, the Commissioner shall prepare and submit to the Governor a complete and comprehensive report of the study and investigation made and of information secured, indicating therein in detail and by means of explanations, computations, tables, graphic illustrations and otherwise, the methods employed in pursuing the investigations and conclusions reached, and showing separately the estimated cost of producing each of the farm products hereinbefore specified. The Commissioner shall take into consideration in reaching his conclusions all proper items and elements of expense entering into the cost of production, including among other things: investment in land, structures, work animals, machinery, tools and all other equipment, depreciation thereon, seed, planting, harvesting, loss of fertility, transportation, maintenance, materials used, stock feed and labor devoted to the production of farm products whether employed for wages or contributed by the farmer or members of his family.

Section 5. The Commissioner of Agriculture with the Approval of the Governor, may at such time as it seems advisable and in the manner deemed most advantageous, arrange for representation at Washington, D. C., for the purpose of obtaining federal legislation helpful to the agricultural interests of the country, either individually or in co-operative arrangement with another state or states of like interests, or in co-operation with national or local farmers organizations.

Section 6. All powers and duties conferred upon the Department of Marketing by Sections 7982, 7983, 7984, 7987, 7988, 7990, 7991, 7992, 7993, 7994, 7995, 7996, 7997, 7998, 7999, 8000, 8001, 8002, 8003, 8004, 8005, 8006, and 8007 of the South Dakota Revised Code of Nineteen Hundred Nineteen, and all provisions thereof are hereby transferred to and shall apply to the Department of Agriculture, and wherever the word "Director" occurs therein it shall be construed to mean and be "Commissioner of Agriculture."

Section 7. The Department of Agriculture shall by systematic publicity and advertising render available for public benefit such facts and conclusions in regard to its activities as shall tend to promote the interests of agriculture, provided that no information of a private nature shall be disclosed.

Section 8. All fees for specific service rendered, collected by the Department of Agriculture in accordance with its rules and regulations, shall be deposited in the State Treasury.

Section 9. All salaries of the Commissioner, his assistants, agents, inspectors and employes and all expenses incurred by the Department of Agriculture in carrying out its powers and duties shall be paid out of the appropriations available for that purpose, upon vouchers approved by the Commissioner.

Section 10. Sections 7985, 7986, and 7989 of the South Dakota Revised Code of Nineteen Hundred Nineteen are hereby repealed.

Section 11. Whereas this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1921.

Department of Marketing

CHAPTER 191.

(S. B. 217.)

TRANSFER OF FUNDS TO DEPARTMENT OF AGRICULTURE.

AN ACT Entitled, An Act Transferring Moneys from the South Dakota State Department of Marketing to the Department of Agriculture of the State of South Dakota, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. All moneys appropriated for the use and benefit of or to be expended by or under the supervision of the State Department of Marketing shall be for the use and benefit of or be expended by or under the supervision of the Department of Agriculture of the State of South Dakota, but for the same purposes for which the said moneys were appropriated.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1921.

Dentistry

CHAPTER 192.

(H. B. 185.)

RELATING TO DENTISTRY.

AN ACT Entitled, An Act Regulating the Practice of Dentistry and Dental Surgery, Providing a Penalty for the Violation Thereof and Amending Sections 7747, 7748 and 7751 of the South Dakota Revised Code of 1919.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 7747 of the South Dakota Revised Code of 1919 be and the same hereby is amended as follows:

Section 7747. Board of Examiners.] The State Board of Dental Examiners shall consist of five practicing dentists of the State appointed by the Governor, each for a term of five years and until his successor qualifies. Provided, however, that from and after the first day of January, A. D., 1922, said Board, appointed under this Act shall hold their office for a term of one, two, three, four and five years, respectively; the tenure of which term shall be determined by lot. No member shall serve for more than two successive terms. The Board, at all times, shall include three members who shall have been appointed from a list of candidates recommended by the South Dakota Dental Society, if such

recommendations be made at least ninety days before the term of a member of that class expires; otherwise the Governor may appoint without such recommendation. Every vacancy caused otherwise than by the expiration of a term shall be filled in the same manner and from the class to which the retiring member belonged; provided, that in such case it shall be sufficient to present a list of candidates by such dental society within thirty days after such vacancy occurs. The recommendations for membership on the board of dental examiners shall be made only at the regular annual meeting of the South Dakota Dental Society, and such society shall recommend not less than three candidates for each position to be filled.

Section 2. That Section 7748 of the South Dakota Revised Code of 1919 be and the same is hereby amended as follows:

Section 7748. Officers, Meetings, Compensation, Report.] Out of the funds received by the board each member may be paid the sum of ten dollars for each day actually engaged in the duties of his office and all legitimate and necessary expenses incurred in attending the meetings of the board. Such expenses shall be paid from the fees received by the board under the provisions of this chapter and no part of the salary or other expenses of the board except the printing of the annual report shall be paid out of the State Treasury. All money remaining after the payment of such per diem allowance and other legitimate and necessary expenses, as above provided for, shall be held by the secretary as a special fund for defraying the expenses of the board in carrying out the provisions of this chapter. The secretary shall give a bond in such a sum and with such conditions as the board may from time to time direct. The board shall make an annual report to the Governor as provided in Sections 6922 and 7067, which report shall contain an account of all money received and disbursed by the board and shall be limited to thirty pages.

Section 3. That Section 7751 of the South Dakota Revised Code of 1919 be and the same is hereby amended as follows:

Section 7751. Examination, License, Revocation.] A person not already a registered dentist in this State, desiring to practice dentistry therein, shall apply to the secretary of the board for examination and pay a fee of twenty-five dollars, which in no case shall be refunded. At the next regular meeting he shall present himself for examination and produce his diploma from some dental college of good standing, of which standing the board shall be the judges. The board shall give the applicant an examination and thoroughly test his fitness for the practice and include therein the subjects of anatomy, physiology, chemistry, materia medica, therapeutics, metallurgy, histology, pathology and operative, surgical and mechanical dentistry; and the applicant shall be required to demonstrate his skill in operative and mechanical dentistry. If the applicant successfully passes the examination, he shall be registered by the board as a licensed dentist, and supplied with a certificate of registration signed by all members of the board.

The State Board of Dental Examiners shall have power to revoke any certificate of registration or license granted by it, if it shall satisfactorily appear to the Board that such person has been guilty of unprofessional, immoral or dishonorable conduct, or has been convicted of a felony or if such person publicly professes or claims to cure or treat disease, injury or deformity, or correct or supply lost teeth or dental organs in such manner as to deceive the public, or shall be grossly incompetent. For the purposes of this Act unprofessional or dishonorable conduct shall be construed to include:

1. Employing or using what is known as cappers or steerers.
2. Obtaining any fee on the assurance that a manifestly incurable disease can be permanently cured.
3. Wilfully betraying a professional secret.
4. All advertising of dental business in which untruthful statements are made or which are calculated to mislead or deceive the public.
5. Conviction of any offense involving moral turpitude.
6. Habitual intemperance.
7. Advertising to practice, offering to practice, or holding himself out as practicing dentistry or dental surgery under a fictitious corporate or trade name, unless the name of such practitioner shall appear as a part of such advertisement and in at least nonpareil type.

The State Board of Dental Examiners shall have power to revoke the certificate of registration or license heretofore or hereafter granted to any person found guilty of a violation of any of the provisions of this Chapter. Provided, however, that no Certificate of Registration or license shall be revoked except after a hearing before the Board upon notice of not less than twenty days with a copy of the accusations or charges having been duly served upon the accused prior to such hearing and then only on due proof of the facts alleged in the complaint.

Any Court of competent jurisdiction upon petition of any person aggrieved may review any final order or determination of the Board.

Section 4. The State Board of Dental Examiners may, in its discretion, without examination, issue a license to any applicant holding a license which shall have been issued to the applicant by the examining board of the District of Columbia or any State or Territory of the United States if the regular requirements of such examining Board, at the time of issuing such license or certificate shall be in no degree or particular less than those of this State at the time when such license is presented for registration; providing, however, that this section shall apply only to certificates or licenses or certificates issued by such examining board as accept and register licenses issued by the State Board of Dental Examiners of this State. Each applicant making application under the provisions of this article shall pay such license fee as may be fixed by the Board which shall, in no event, be less than required of regular applicants.

Approved February 28, 1921.

Drainage

CHAPTER 193.

(S. B. 236.)

RELATING TO DRAINAGE.

AN ACT Entitled, An Act to Amend Section 8458 of the Revised Code of South Dakota of 1919, Relating to Drainage.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 8458 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 8458. Power of County Commissioners.] The Board of

County Commissioners at any regular or special session may establish and cause to be constructed levees, dikes, barriers, retards, drains and ditches; may provide for the straightening, enlargement or revetment, and maintenance of any existing water course, ditch, drain or levee, natural or such as may have been previously constructed, whenever such ditch, water course, drain, dike, barriers, retards or levee shall be conducive to the public health, convenience or welfare, or whenever such work shall be for the purpose of draining agricultural lands or preventing the overflow and washing away of, and damage to and destruction of agricultural lands or public highways. The term drainage wherever used in Sections 8458 to 8494 inclusive of the South Dakota Revised Code of 1919 or amendments of same shall be held and construed to include all of the works herein enumerated and the term ditch or drain shall be held and construed wherever used in said article to include ditch, drain or water course, and levee, embankment or revetment work for protecting same.

Approved March 12, 1921.

CHAPTER 194.

(H. B. 320.)

RELATING TO DRAINAGE.

AN ACT Entitled, An Act to Amend Sections 8460, 8461, 8462, 8463, 8465, 8470, 8476 and 8486 of the Revised Code of the State of South Dakota of 1919, Relating to Drainage.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 8460 of the Revised Code of the State of South Dakota for 1919 be amended to read as follows:

Section 8460. Inspection of Proposed Route.] It shall be the duty of such board to act promptly upon all drainage petitions. Upon filing such petition the County Auditor shall transmit a copy thereof to the State Engineer, who, together with the board of County Commissioners, shall as soon as practicable inspect the proposed route, and if in the opinion of such board and the State Engineer it is necessary, the board shall cause a survey of the proposed drainage to be made by such competent engineer as such board may select, but such survey shall be under the general supervision of, and made by an engineer approved by the State Engineer. Such survey shall be for the purpose of determining, and the report thereof shall show the starting point, the route, the terminus or termini of the proposed ditch or ditches, drain or drains or other improvements, and the course and length of the drain or drains through each tract of land, together with the number of acres appropriated from said tract for construction of such improvements, and the elevation of all lakes, ponds and deep depressions in said district, and the boundary of the proposed district so as to include therein all lands that will be benefited by the proposed improvements, together with the approximate location of natural subdivides within the district, and the description of each tract of land therein and names of the owners thereof as shown by the tax records in the office of the County Treasurer, together with the probable cost, and such other facts and recommendations as the engineer may deem material, or as many of said facts or others

as are required by the State Engineer to determine the practicability of said drainage. Such survey may extend to other lands than those affected by the proposed drainage for the purpose of determining the best practical method of draining the entire section of country of which the lands proposed to be drained, or a portion of them, are a part. For the purpose of inspection or surveys the County Commissioners, engineers or their employees may enter upon any lands traversed by the proposed drainage or in their judgment likely to be affected thereby. The County Auditor shall promptly furnish the State Engineer with a copy of the engineer's report mentioned and of all maps and plans filed by such engineer and also a copy of such further files as the State Engineer may ask for, and no drainage district shall be established, plans and specifications for work adopted, or amended and adopted; or contracts for construction let; or contracts for maintenance or repairs costing over \$1,000.00 let without the approval of the State Engineer who shall in all matters pertaining to the establishment and construction of such drainage have supervision of same. It shall be the duty of the State Engineer to render such assistance and advice to the board of County Commissioners in regard to such drainage as the duties of his office will permit and he shall be reimbursed by such board for his expenses incident thereto; provided, that in case of minor ditches the State Engineer shall not be required to attend with the board of county commissioners at the first inspection nor to perform subsequent services if in his judgment it shall not be necessary for him to do so.

Section 2. That Section 8461 of the Revised Code of the State of South Dakota of 1919 be amended to read as follows:

Section 8461. Engineer's Report—Notice of Hearing.] The engineer shall report in writing to the board of county commissioners, and his report shall be filed with the petition. Upon receipt of the engineer's report by the county auditor, he shall then fix a time and place for the hearing of the petition and shall give notice thereof by publication at least once each week for two consecutive weeks in a legal newspaper of the county, to be designated by the county auditor and by posting copies of such notice in at least three public places near the route of the proposed drainage. Such notice shall describe the tract of country likely to be affected thereby in general terms, the separate tract of lands through which the proposed drainage will pass and give the names of the owners thereof as appears from the tax records of the office of the county treasurer. Provided that when there is included within the proposed district a portion of any municipality it shall be sufficient that the notice set forth the boundary of the territory within such municipality proposed to be included within the proposed district without the naming of the individual lots, part of lots or parcels of land, or the names of the owners thereof, and shall refer to the files in the proceeding for further particulars. Such notice shall summon all persons affected by the proposed drainage to appear at such hearing and show cause why the proposed drainage should not be established and constructed, and shall summon all persons deeming themselves damaged by the proposed drainage or claiming compensation for the lands proposed to be taken for the drainage to present their claims therefor at such hearing.

Section 3. That Section 8462 of the Revised Code of the State of South Dakota for 1919 be amended to read as follows:

Section 8462. Hearing Petition.] At such hearing any person interested may appear in support of or in opposition to the statements of the petition and matters set forth in the engineer's report and the establishment—19.

lishment of said drain. After such hearing, the drainage may be established as set forth in the engineer's report if same has been approved by the State Engineer, or the board may establish the drainage in accordance with an amendment of the engineer's report subject to the approval of the State Engineer. If the board deems it best to vary the route, or to materially change the initial or terminal points of such proposed drainage so that it will pass through other lands than those described in the notice of hearing or to increase the width of lands to be taken for the proposed drainage, the board shall adjourn the hearing and give the owners of such lands notice as in case of the original hearing. If the proposed drainage does not give sufficient fall to drain the lands sought to be drained or will not properly dispose of the water, the same shall be extended so as to secure the drainage or properly dispose of the water, hearing in such case shall be adjourned and notice given to all parties affected as in case of the original hearing. When the board of county commissioners shall have fully heard and considered such petition and all matters in opposition to or in support of the same, it shall, if it finds the proposed drainage not conducive to the public health, convenience of welfare, or not needed or practicable for the purpose of draining agricultural lands, deny such petition, the petitioners to be jointly and severally liable for the costs of the proceeding and same to be recovered in a civil action to be instituted and prosecuted in the name of and by the county on behalf of all persons having claims for costs of such proceeding. If it finds the drainage proposed or any variation thereof conducive to the public health, convenience or welfare, or necessary or practicable for draining agricultural lands, and if the plans for the drainage of the district have been approved by the State Engineer, it shall be the duty of the board of county commissioners to establish the drainage and shall assess the damage sustained by each tract of land or other property which may be damaged by the construction or maintenance of said drain, except that damages to growing crops during the construction may be determined later and shall be considered as a part of the cost of construction. Any person interested may be heard in the matter of damages or compensation for land and the determination of the board of county commissioners shall be final unless an appeal therefrom, as provided in this Article, shall be taken, failure to prosecute such appeal or to appear and contest an award of damages by the board shall be deemed conclusively a waiver of any such damages or compensation for land taken or of any claimant's right to have the same assessed by a jury. When damages are awarded to any person, persons or corporation, the board of commissioners shall order the same paid with drainage warrants or certificates. Such warrants or certificates shall be issued and delivered before the actual taking possession of the land for which the damages are awarded. Such drain shall be given a name and the proceedings thereafter shall be recorded and indexed in a book kept for that purpose in the Auditor's office.

Section 4. That Section 8463 of the Revised Code of the State of South Dakota for 1919, be amended to read as follows:

Section 8463. Equalization of Benefits.] After the establishment of the drainage and the fixing of the damages, if any, the board of county commissioners shall fix the proportion of benefits of the proposed drainage among the lands affected, and shall appoint a time and place for equalizing the same. Notice of such equalizing of proportion of benefits shall be given by publication at least once a week for two consecutive weeks in a legal newspaper of the county, to be designated by the board, and by posting copies of such notice in at least three public

places near the route of the proposed drainage. Such notice shall state the description of each tract of land affected by the proposed drainage and the names of the owners thereof as appears from the tax records in the County Treasurer's office, and the proportion of benefits fixed for each tract of property, taking any particular tract as a unit, and shall notify all such owners to show cause why the proportion of benefits shall not be fixed as stated. Upon the hearing of the equalization of the proportion of benefits, the board of county commissioners shall finally equalize and fix the same according to benefits received. The board for good cause may authorize the revision thereof after same has been once equalized and fixed. In such case notice shall be given and procedure taken as required by this section for the equalization and fixing of the proportion of benefits and in case of any moneys having been paid under an abandoned or invalid proportion of benefits same shall be considered, and an equitable adjustment made in the next succeeding assessment made. The proportion of benefits which any county, city, town or township may obtain by the construction of such drainage to highways or otherwise, and the benefits which any railroad company or other corporation or property owner may obtain for its property by such construction, shall be fixed and equalized together with the proportion of benefits to tracts of land. Benefits to be considered in any case shall be such as accrue directly by the construction of such drainage or indirectly by virtue of such drainage being an outlet for connection drains that may be subsequently constructed. Indirect benefits accruing because of such drainage being an outlet for connection drains that have heretofore or may be hereafter constructed, or due to its improving public health convenience or welfare may be assessed against any drainage district, county or political subdivision affected thereby as a whole at the option of the board of county commissioners.

Section 5. That Section 8465 of the Revised Code of the State of South Dakota of 1919 be amended to read as follows:

Section 8465. Bids, Specifications, Contracts.] At any time after the establishment of a drainage district the board of commissioners may proceed to construct such drainage and shall let contracts for the construction of the same. Such contracts may require the contractors to take their pay in assessment certificates or in warrants thereafter issued. The contract may be for the construction of the entire drainage or for any portion thereof or for material and labor separately, and shall be let upon competitive bids, the boards reserve the right to reject any and all bids. The lowest responsible and capable bidder shall be accepted, and if any land owner affected be an equally low, capable and responsible bidder with a non-owner of lands affected the former shall be preferred. When any contract shall be let the contractor shall give a bond in such sum as shall be approved by the board of county commissioners, conditioned by the faithful performance of his work and the full completion of his contract to the satisfaction of such board. For the information of a contractor in bidding upon the proposed drainage, full plans and specifications shall be filed in the office of the county auditor. If in the judgment of the board of county commissioners, the entire drainage or any part thereof can be constructed for less money than the amount of the bid submitted therefore, the board may cause such drainage to be constructed, hire the necessary labor and purchase the necessary material for such construction without letting contracts therefore. Contract for building bridges and culverts rendered necessary by the construction of such drainage may be let separately and after the drainage is completed. The first instance as part of the cost of drain-

age and thereafter such bridges and culverts shall be maintained as part of the highway; provided that the cost of removing, repairing, enlarging or replacing bridges or culverts already existing across the line of a proposed drainage ditch shall not be charged as a part of the drainage.

Section 6. That Section 8470 of the Revised Code of the State of South Dakota for 1919 be amended to read as follows:

Section 8470. Assessments for Maintenance.] For the cleaning and maintenance of any drainage established under the provisions under this Article, assessments may be made upon land owners affected in the proportions determined for such drainage at any time upon the petition of any person setting forth the necessity therefor, and after due inspection by the board of county commissioners. Such assessments shall be made as other assessments for the establishment and construction of drainage, and all provisions of this article relating to the financing and enforcement of assessment on original construction of drainage shall govern the financing and enforcing of assessments for maintenance.

Section 7. That Section 8476 of the Revised Code of the State of South Dakota of 1919 be amended to read as follows:

Section 8476. Powers Defined.] The powers conferred by this Article for establishing and constructing drains, shall also extend to and include the deepening, widening and regulating of any drains which have heretofore been or may hereafter be constructed, also to straightening, cleaning out and deepening and regulating the channels of creeks and streams and constructing, maintaining, remodeling and repairing levees, dikes and barriers for the purpose of drainage. The board of county commissioners may relocate or extend the line of any drain if the same is necessary to provide a suitable outlet, and shall cause a survey thereof to be made, and they may buy, sell, lease, improve or control real property or other property necessary to the accomplishment of the purpose stated in this chapter, but no proceedings affecting the rights of persons or property shall be had under this section except on notice and the other procedures prescribed herein for the construction of drains.

Section 8. That Section 8484 of the South Dakota Revised Code of 1919 be and is hereby amended to read as follows:

Section 8484. When Drainage Runs Into Two or More Counties.] When drainage shall be desired running into two or more counties, the board of county commissioners of the several counties shall require in each county a petition setting forth the entire drainage and signature of owners of lands in each of the several counties, and the petition shall be accompanied by a bond to be filed with each county auditor. The boards of the respective counties shall act conjointly in the consideration of the petition, a majority of each board being required for any determination. In all other respects the procedure shall be the same as in the case of drainage wholly within one county, and the engineer's report and the record of such proceedings shall be made in each county. All publications shall be made separate in each county. Assessments made shall be payable to the treasurer of the county in which the land assessed is situated. Bonds may be issued by the jointly acting boards payable out of the assessments for the drainage and shall be signed by the chairman of each board and countersigned by the auditor of each county and may be issued for any portion of the expenses of the drainage. The terms, issue and collection of assessments to pay such bonds, and all other procedure, shall be the same as in the case of drainage within one county and all assessments and certificates shall be in like manner a lien and enforceable as in case of drainage in one county. If the several boards

are unable to agree upon the establishment of the drainage, the matter of damages, the assessment of benefits, or any other matter, any person interested may bring the determination of such matter into the circuit court of the county in which his own land is situated by giving notice to such boards of his intention and requesting one of them to transmit its records to the clerk of courts of such county; and thereupon it shall be the duty of the county auditor to transmit the petition and all other records in such proceeding, or certified copies thereof, to the clerk of such circuit court. Such matter shall be tried thereon and determined as an original action, and upon such determination the boards of county commissioners of the several counties shall proceed in the matter of such drainage in accordance therewith, Provided, that when it appears that the greater portion of the drainage area is within one county and not more than three thousand acres thereof are within the limits of any adjoining county or counties, a petition signed by one or more owners of property likely to be affected, requesting such drainage and accompanied by a bond, as provided in Section 8459, shall be filed with the County Auditor of the county in which the greater portion of the drainage area is situated, and the board of county commissioners of the county where such petition is filed, shall have jurisdiction to hear and determine such petition and to construct such drainage as if the drainage were all in one county, subject to the conditions and qualifications stated in this section. If the board of county commissioners of the county where such petition is filed shall find, at the time of the hearing provided for by section 8462, that the greater portion of such drainage area is situated in another county and not to exceed three thousand acres are situated in the county where such petition is filed, it shall certify such proceeding to such other county and the board of such county shall assume full jurisdiction thereof, subject to the provisions of this article. But if at the time of such hearing the board shall find that more than three thousand acres of the drainage area are in another county, the board of county commissioners of such other county shall be notified, and thereafter the two or more boards of county commissioners whose counties are affected shall jointly have jurisdiction of such project. (Lands belonging to owners who have filed with said Board of County Commissioners a consent in writing granting jurisdiction therein, shall not be considered when estimating said three thousand acres.) In all cases where a Board of County Commissioners has under consideration any drainage project which extends into or effects lands that are situated in more than one county, notices of all hearings shall be posted along the route or proposed routes of such drainage in at least three public places in each of the several counties and shall be published in a legal newspaper for two consecutive weeks to be designated by the Board of County Commissioners. In case of an appeal from any decision of a Board of County Commissioners, under the provisions of this Section, the same shall be taken to the Circuit Court of the county in which the drainage proceeding is pending, or in case of an appeal from any joint decision of two or more counties, the same shall be taken to the circuit court of the county in which the appellant's land is situated. All assessments made by the Board of County Commissioners, under the provisions of this Section upon land in other counties shall be paid to the County Treasurer of the county having charge of the drainage; provided, that in case any assessment becomes delinquent, the County Treasurer of the county having charge of the drainage shall certify the amount or amounts so delinquent, to be paid by the owner of each separate tract of land outside of his county, to the County Treasurer of the county

in which the land is situated; and thereafter such County Treasurer shall collect such assessments in the manner provided by this article and shall pay over such collections to the Treasurer of the county having charge of such drainage. All provisions of this article relating to maintenance of drainage, or the levy of maintenance assessments, shall be carried out by the Board of County Commissioners of the county having charge of such drainage. Immediately after the levying of any assessments by a Board of County Commissioners in charge of any drainage work in more than one county, the County Auditor shall prepare for and file with each of the counties affected a complete transcript of all the proceedings relating to such drainage, or so much thereof as has not been previously filed.

Section 9. That Section 8486 of the Revised Code of the State of South Dakota of 1919 be amended to read as follows:

Section 8486. Notices, How Served.] Notice by personal service as of a summons in a civil action, may be given instead of by publication and posting in all cases where notice provided for in this article. In any case where notice is required under the provisions of this article and any person affected by the drainage has not been notified, either by publication or personally, and a hearing has been had or a determination made, such person may be notified personally, or by publication and posting, to show cause at a time and place to be fixed by the Board of County Commissioners, and to make return or claim damages as in case of the original hearing.

Any such omitted person may be brought in on such due notice at any stage of the proceeding, or after it has been otherwise concluded. The enforcement of any assessment shall not be enjoined for want of the notice provided for in this article, except pending an application to the Board of County Commissioners for the determination of such matters as to which any person deems himself not bound because of want of notice.

In any drainage proceedings affecting State, Institutional or School Lands the several notices required by law or given by publication and posting shall also be served upon the Commissioner of School and Public Lands at least ten days prior to the time of hearing. Such service may be had upon such Commissioner, personally by leaving a copy at his office with the person in charge or by registered mail.

Approved March 12, 1921.

CHAPTER 195.

(H. B. 227)

RELATING TO DRAINAGE ASSESSMENTS.

AN ACT Entitled, An Act to Amend Section 8471 of the Revised Code of 1919, as Amended by Chapter 46 of the Session Laws of the Special Session of 1920 of the State of South Dakota, Relating to Drainage.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 8471 of the Revised Code of 1919, as amended by Chapter 46 of the Session Laws of the Special Session of 1920 of South Dakota, be amended to read as follows:

Section 8471. Assessments Paid in Installments.] The owner of

any tract of land against which an assessment for drainage is made, who shall, within thirty days after the making of such assessment, file with the County Auditor an agreement in writing that in consideration of the right to pay his assessment in installments he will not make any objections to the illegality or irregularity of his assessment, if any there be, and will pay the same with interest as fixed by the Board of County Commissioners, shall have the privilege of paying such assessment in ten annual installments, interest payable annually. Assessment certificates shall not issue until after the expiration of the period for filing such agreements with the County Auditor, and when issued for assessments to be payable in installments may be issued in coupon form. The first installment shall be payable within ten days after a certified copy of the assessment has been filed in the office of the County Treasurer, and subsequent installments shall be payable one, two, three, four, five, six, seven, eight and nine years from the date of such assessment, respectively, with interest on the whole sum unpaid payable annually at maturity of the several installments. Such subsequent installments shall become delinquent after the expiration of thirty days from the time the same are payable and thereupon a penalty of five per cent shall attach thereto. Provided, that where bonds shall have been issued for the construction of such drainage, as provided in Section 8472, such assessments shall be made payable in installments sufficient to meet the payments on the bonds, as the same shall become due.

Assessments may at any time be received and full discharge thereof given by the County Treasurer to any property owner except, however, in case where bonds have been issued such payments of assessments shall not operate as a discharge of the land against which said assessments are levied from its liability in favor of such bonds until the entire principal and interest thereof have been fully paid.

Approved February 28, 1921.

CHAPTER 196.

(H. B. 304)

RELATING TO DRAINAGE BONDS.

AN ACT Entitled, An Act to Amend Section 8472 of the South Dakota Revised Code of 1919, as Amended by Chapter 46 of the Session Laws of the Special Session of 1920 of the State of South Dakota, Relating to Drainage.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 8472 of the South Dakota Revised Code of 1919, as Amended by Chapter 46 of the Session Laws of the Special Session of 1920 of the State of South Dakota, be, and the same is, hereby amended to read as follows:

Section 8472. Board May Issue Bonds.] If the Board of County Commissioners shall determine that the estimated cost of the proposed improvement is greater than should be levied in a single year upon the lands benefitted it may fix the amount that shall be levied and collected each year and may by resolution provide for the issuance of bonds in an amount not to exceed the amount of unpaid assessment to bear interest at a rate not exceeding seven (7) per cent

per annum, payable annually or semi-annually and to mature in the proportions and at the times when such assessments shall have been collected, not, however, exceeding twenty (20) years from issue. Said bonds shall be signed by the chairman of the Board of County Commissioners and by the Auditor, and shall be issued for the benefit of the particular drainage district, numbered, recorded and indexed in the office of the County Auditor. The Board of County Commissioners shall have power to negotiate such bonds at not less than their par value as it may deem best, and the proceeds thereof and any premium received on such bonds shall be credited to the fund of the particular drainage district for the proposed improvement. Such bonds shall contain a recital that the same are issued pursuant to the authority of this article and that they are to be paid out of the funds to be obtained as hereinbefore provided in this chapter; and such bonds shall be a charge upon the lands in the particular district for the benefit of which such bonds are issued until the principal and interest thereof shall have been fully paid. Should the cost of the proposed drainage exceed the estimate a new apportionment of assessments may be made and other bonds issued and sold in like manner and should the proceeds of the assessments, when collected, be insufficient to pay the principal and interest of any bonds sold pursuant to this article a new apportionment of assessment may in like manner be made to meet such shortage in the proceeds of said assessment. When the assessments for the proposed drainage are finally fixed the same shall be certified to the County Treasurer by the County Auditor and the money paid in thereon shall be received by the County Treasurer to be paid to the holders of such bonds as the principal and interest thereof shall become due. Separate funds shall be kept by the Treasurer for each drainage district and no funds for one drainage district shall be applied to any other drainage district. No county shall be liable for the payment of any bonds issued under this article, but such bonds shall be paid out of the funds derived from the assessments provided for in this chapter.

Section 2. Whereas, this Act is necessary for the support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1921.

CHAPTER 197.

(S. B. 219)

RELATING TO PETITION FOR DRAINAGE.

AN ACT Entitled, An Act to Amend Section 8459 of the South Dakota Revised Code of 1919, Relating to Drainage.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 8459 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 8459. *Petition—Bond.*] Such Board shall act only upon a written petition signed by one or more owners of land likely to be affected by the proposed drainage, or by a highway official having

charge of a road likely to be affected when approval of such petition is given by the county or township Board for which such highway official acts. Such petition shall set forth the necessity for the drainage, a description of the proposed route by its initial and terminal points and its general course, or by its exact course in whole or in part, and a general statement of the territory likely to be affected thereby. The petition shall be accompanied by a bond with sufficient sureties to be approved by the County Auditor, conditioned to pay all expenses incurred in case the Board does not grant the petition or the same is denied on appeal; provided that a highway official shall not be required to furnish a bond, but the county or township for which he acts shall pay the expenses incurred in case the drainage is not established. Such petition may be presented at any regular or special meeting of the Board, and, if sufficient in form, shall be ordered filed with the County Auditor. All claims for compensation or expenses of publishing legal notices, inspecting the proposed route, the payment of engineers and attorney's fees and other expenses incurred prior to the establishment of the drainage shall be paid from the general fund of the county, and for all such payments the County Treasurer shall reimburse the general fund from the assessments herein provided for, if the drainage shall be established and assessments made therefor; if the petition for the establishment of such drainage shall be denied, then the petitioners shall reimburse the county for the expenses of the preliminary investigation and shall be liable therefor in an action upon the bond provided for in this Section.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1921.

CHAPTER 198.

(H. B. 314)

RELATING TO JAMES AND BIG SIOUX VALLEY DRAINAGE COMMISSION.

AN ACT Entitled, An Act Creating the James and Big Sioux Valley Drainage Commission; Defining its Powers and Duties; Appropriating Money to Carry the Purposes of the Act Into Effect, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That there is hereby created a Commission to be known as the James and Big Sioux Valley Drainage Commission, to consist of the Governor, the Attorney General, the State Highway Engineer, the State Engineer and the State Game Warden, each of whom will serve without additional compensation, but whose actual, necessary expenses as such Commissioners shall be paid from the funds hereinafter provided. Said Commission may employ all necessary clerical, technical or professional assistance. The Governor shall be the Chairman, and the State Engineer shall be the Secretary of said Commission. Said Commission shall keep a complete account and record of its transactions.

Section 2. The said Commission is hereby empowered to employ competent and experienced engineers and surveyors, and to avail itself of such other technical or professional assistance as may be requisite, for the purpose of making a survey of the basins of the James and Big Sioux Rivers and their tributaries, for the purpose of ascertaining what, if any, works are necessary and feasible in order to provide a more adequate system of drainage for lands lying within the basins of said rivers, and of determining the character and effect of such works and the probable cost thereof; also for the purpose of devising a system of drainage in said territory, if such system would, in the judgment of said Commission, be practicable.

Section 3. The said Commission is instructed to make a report of all its doings and of its findings and conclusions to the Governor, to be by him submitted to the next regular session of the Legislature.

Section 4. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of twenty thousand dollars (\$20,000.00), or so much thereof as may be necessary, to be paid upon the warrants of the State Auditor issued upon vouchers of said Drainage Commission, executed by its Chairman and Secretary, for any expenses necessarily incurred by said Commission in carrying out the purposes of this Act.

Section 5. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1921.

Education

CHAPTER 199.

(H .B. 64)

RELATING TO COMPULSORY EDUCATION.

AN ACT Entitled, An Act to Amend Sections 7642, 7643 and 7644 of the Revised Code of 1919, Relating to Compulsory Education.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Sections 7642, 7643 and 7644 of the Revised Code of 1919 be amended to read as follows:

Section 7642. General Requirements.] 1. Every person having under his control a child of the age of eight years and not exceeding the age of seventeen years, shall annually cause such child to regularly attend some public or private day school for the entire term during which the public school in the district in which such person resides, or the school to which such child is assigned to attend, is in session, until such child shall have completed the first eight grades of the regular common school course, or shall have completed a course in a private day school equivalent to the first eight grades of the regular common school course, or shall have reached the age of seventeen years, unless excused as hereinafter provided.

2. **Truancy Officers.]** The County Superintendent shall be ex-officio County Truancy Officer and shall be charged with the enforcement of the compulsory school laws in all school districts of the county which do not employ a special truancy officer, and shall have general supervision over all other truancy officers. Each truancy officer, including the County Superintendent, shall carefully check the attendance and non-attendance of all persons required by law to attend school in the district or districts within his jurisdiction, and shall keep an accurate record of those persons not in attendance or whose attendance is irregular. The Board of Education of each independent school district shall each year appoint and provide for the remuneration of a truancy officer, whose duty it shall be, under the direction of such Board of Education and its Superintendent, to enforce the compulsory attendance laws within such district. Provided, that in any independent school district which shall fail to provide such truancy officer, the President of the Board of Education shall act as truancy officer and shall be held responsible for the enforcement of the compulsory attendance laws within such independent district. All truancy officers provided for in this article shall have the powers of a deputy sheriff in the exercise of their duties, and shall apprehend without warrant children of compulsory attendance age who habitually haunt public places and have no lawful occupation, and truant children who absent themselves from school without leave, and place them in charge of the teacher having charge of the school in which such children are by law entitled to attend. Provided, that in the administration of their duties all truancy officers, including the County Superintendent and Boards of Education, shall be subject to the general supervisory control of the State Department of Public Instruction.

3. **Excuses From Attendance.]** The County Superintendent shall have authority in all schools under his direct supervision, and the Board of Education in all independent school districts employing and maintaining a Superintendent for the schools of such independent district shall likewise have power, to excuse a child from school attendance for the following reasons:

(a) Because of serious illness in his immediate family, making his presence at home an actual necessity, or his presence in school a menace to the health of the other pupils.

(b) Because the child is otherwise instructed by a competent person and for a like period of time in the branches commonly taught in the public schools; provided, that all such instruction shall be given only and entirely in the English language. The County Superintendent shall be the judge as to the competency of such instruction and the child so instructed shall take such examination as the County Superintendent may require, and reports covering his work shall be filed with the County Superintendent in such form and as often as that officer may require.

(c) Because the physical or mental condition of the child is such as to render his attendance at school unsafe, impracticable or harmful either to such child or to others; provided, that the existence of such condition is evidenced by the certificate of a reputable physician, dentist or any other person who may lawfully treat sickness or disease under the laws of the State.

(d) Because the child, as declared by a reputable physician, is mentally or physically defective and cannot receive proper instruction in the common schools, in which case, suitable provision shall be made for the instruction or training of such child by a private instructor

or in an institution adapted to the instruction and training of such defectives. Provided, in the event that a blind, deaf or feeble-minded child is not given such instruction, it shall be the duty of the truancy officer to institute action in the County Court for the commitment of such child to the state institution maintained for such defectives, unless such child shall be excused from attendance by the superintendent of such institution.

(e) Between April 1st and November 1st, should there exist an extreme need for the child's assistance at home, he may be excused from attendance at school for a period of not to exceed forty school days; provided, that such child shall have completed the sixth grade of the common school course or its equivalent.

(f) Provided, that all applications for excuse from school attendance shall be in writing, and if granted, a certificate shall be issued by the Superintendent of Schools having jurisdiction over the district in which the child resides, stating the reason for such excuse and the period for which it is issued. Provide further, that any reputable citizen who is dissatisfied with the decision of the County Superintendent or Board of Education, as the case may be, may appeal the matter to the Superintendent of Public Instruction, whose decision shall be final. A permanent record of all such certificates of excuse shall be kept by the County Superintendent and by the Clerk of the Board of Education, and duplicates forwarded to the Superintendent of Public Instruction at the time of issue, and the teacher of the school to which such child belongs shall be promptly notified of the issuance of such certificates.

4. Reports and Notices.] (a) Each teacher in the county under the direct supervision of the County Superintendent shall keep an accurate record of the attendance or non-attendance of all persons of compulsory school age who are or should be enrolled in her classes. She shall report the names of all persons of compulsory school age not in attendance or whose attendance is irregular, with reasons for same if known, promptly every two weeks to the county superintendent on blanks provided for that purpose.

(b) It shall be the duty of teachers, members of Boards of Education and district school officers to warn parents or persons in control of children of compulsory school age to cause such children to enter school and attend regularly, and to report them to the truancy officer for such district if such warning is not heeded, and all school officers, Superintendents and teachers shall cooperate in the enforcement of the school attendance laws.

5. Delinquency.] Any child of compulsory school age who habitually absents himself from school without legal excuse, or who refuses to attend school, or who by boisterous acts or language or willful disobedience seriously interferes with the discipline and management of a school, shall be deemed a delinquent child, and action shall be instituted against him by those charged with the enforcement of the compulsory attendance laws, in the proper court.

Section 7643. Method of Enforcement.] 1. It shall be the duty of all truancy officers to make and file complaints, and any teacher, school officer, or any reputable citizen may make and file such complaint, before the County Court, against any person having control of a child of compulsory school age who is not attending school or whose attendance is irregular, or who has been guilty of habitual truancy; and such complaint shall state the name, if known, of the father or mother of such child or the survivor of them, and if the father or mother

is not living or cannot be found in the county or if their names cannot be ascertained, then the name of the legal guardian, and if their be none, then the person who in the judgment of the complainant is responsible for the control of such child. Such complaint shall be verified by oath upon belief of the complainant. Upon the filing of such complaint, the Judge of the County Court shall forthwith cause to be issued a warrant of arrest to the Sheriff of the county directing him to bring such parent, guardian or person before the Court and to summon such witnesses as may be necessary to ascertain the facts in the case. Provided, that if such complaint shall contain a statement to the effect that the complainant believes that the County Judge of such county is personally interested in the subject thereof, or is otherwise disqualified or that in the opinion of the complainant, a fair and impartial hearing and determination of the subject matter of said complaint cannot be had before said County Judge because of the interest, prejudice or bias of said County Judge, then said complaint may be addressed and presented to the Circuit Judge of the circuit in which such county is located, who shall thereupon have jurisdiction, and whose duty it shall then be, to forthwith proceed in said matter in accordance with the provisions of this section. And after such a complaint shall have been filed by any person other than the County Superintendent or Superintendent of Public Instruction, the state shall have the right to change the venue thereof to the circuit court upon the filing of a proper affidavit declaring interest, prejudice or bias on the part of the County Judge as aforesaid.

2. Penalty.] Any person having control of a child of compulsory school age who fails to cause such child to attend school as herein required, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for the first offense. For each subsequent offense he shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or imprisonment in the county jail for not less than ten days nor more than thirty days, or both such fine and imprisonment in the discretion of the Court, and shall stand committed until such fine and costs are paid. Provided, that such fine shall be paid to the County Treasurer and by him credited to the school fund of the county in which the convicted person resides.

(b) Any County Superintendent who shall willfully neglect to perform his duties as truancy officer; any teacher who shall fail to make prompt reports on attendance and non-attendance as required by law; any person who shall harbor or employ a child of compulsory school age not legally excused during the school term; the members of any School Board or Board of Education that shall willfully neglect or refuse to provide school facilities for children of their school district for at least eight months during the school year, or that willfully neglect to perform any other duties enumerated in this article; any truancy officer who shall willfully neglect to perform the duties of his office; or any person who shall hamper or hinder a child of compulsory school age from attending a school, which meets all legal requirements or who knowingly or willfully interferes or attempts to interfere with such attendance, shall be guilty of a misdemeanor and shall be subject to the same penalty as parents who violate the requirements of this article.

3. Superintendent of Public Instruction Charged with Enforcement.] The Superintendent of Public Instruction, or his authorized

agent, is hereby charged with the general enforcement of the provisions of this article, as well as all laws of this state relating to compulsory attendance of persons of school age, and in the performance of such duties shall have the same powers and privileges herein granted to truancy officers.

Section 7644. Supervision of Private Instruction.] All private school instruction and all private instruction accepted in lieu of public school instruction shall first be approved by the County Superintendent, who shall exercise supervision over such schools and such instruction, and shall exercise the right of visitation and inspection thereof and may revoke his approval of such instruction at any time, and such schools shall make all reports to the County Superintendent concerning attendance as are required of public schools; provided, that any person aggrieved by the decision of the County Superintendent in the exercise of such supervision may appeal to the Superintendent of Public Instruction, whose decision shall be final. Provided, that no person shall be permitted to teach in any private school any of the branches prescribed to be taught in the public schools unless such person shall hold a certificate entitling him to teach the same branches in the public schools of this state. Provided further, that every instructor in any public or private school, every school officer, and every other person, who shall violate the provisions of this section, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars, (\$100.00) and in addition thereto such violation shall be sufficient grounds for revocation by the Superintendent of Public Instruction of any teacher's certificate held by anyone so violating the provisions hereof. All fines collected under this section shall be paid to the County Treasurer and by him credited to the county general school fund.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved February 24, 1921.

CHAPTER 200.

(S. B. 291)

RELATING TO COMPULSORY EDUCATION.

AN ACT Entitled, An Act Amending Section 8 of Chapter 169 of the Session Laws of 1919 Relating to Compulsory Education.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 8 of Chapter 169 of the Session Laws of 1919 be amended to read as follows:

Section 8. (a) All expenses incurred in maintaining evening school classes and otherwise enforcing and administering the provisions of this Act, shall be paid out of the funds of the Department of Public Instruction appropriated as state aid for such purposes; provided that after June 30, 1921, not to exceed the sum of five thousand (\$5,000.00) dollars of the aforementioned fund shall be used for salaries and traveling expenses of employees in any one year.

(b) Provided further, that if the appropriation made in Chapter 169 of the Session Laws of 1919 shall be insufficient to pay all claims

for state aid for the establishment of evening school classes which have been approved prior to July 1, 1921, then such claims shall be paid out of the appropriation for state aid to rural and consolidated schools as provided in Chapter 49 of the Session Laws of 1919 for the fiscal year ending June 30, 1921.

Section 2. Provided further, that this Act shall not be construed as repealing any appropriations already made for compulsory education.

Section 3. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1921.

CHAPTER 201.

(H. B. 195.)

RELATING TO FORMATION OF CONSOLIDATED SCHOOL DISTRICTS.

AN ACT Entitled, An Act to Amend Sections 7570 and 7571 of the Revised Code of 1919, Relating to the Formation of Consolidated School Districts.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 7570 of the Revised Code of 1919, be amended to read as follows:

Section 7570. Subject to Approval of Superintendent of Public Instruction.] Before any steps are taken in organizing a consolidated school district, the Superintendent of the county in which the major portion of the territory is situated, from which it is proposed to form such district, shall cause a plat to be made showing the size and boundaries of the new district, the location of the school houses in the several districts, the location of transportation routes, together with such other information as may be essential. The County Superintendent shall then arrange for a meeting of all of the officers of the school districts affected, at some convenient meeting place for the purpose of discussing and proposing such changes or modifications in the plat as may seem necessary, and such changes or modifications proposed at this meeting shall then be submitted, together with the plat, to the Superintendent of Public Instruction, who shall approve, modify or reject the plan so proposed and certify his conclusions to the County Superintendent of Schools.

Section 2. That Section 7571 of the Revised Code of 1919 is hereby amended to read as follows:

Section 7571. Proceedings to Perfect Consolidation.] After approval by the Superintendent of Public Instruction of the plan for the formation of a consolidated school district, and upon presentation to the County Superintendent of a petition signed by at least twenty-five per cent of the electors of each district affected, qualified to vote at school meetings, the genuineness of whose signatures shall be verified by the affidavit of the person who circulated such petition, asking for the formation of a consolidated school district in accordance with the plan approved by the Superintendent of Public Instruction, the County Superintendent shall within ten days, cause ten days posted notice to be given in each district affected and one week's published notice, if there

be a newspaper in such district, of an election or special meeting to be held within each of the several school districts affected, part of all of which is included in such proposed consolidated school district, at a time and place specified in such notice, upon the question of such consolidation. At such meeting or election the Chairman, Clerk and Treasurer shall be the officers of the meeting or election and the meeting or election shall be conducted as are regular annual school meetings. The vote at such election or meeting shall be by ballot which shall read "For consolidation" or "Against consolidation." The County Superintendent shall furnish each school district Clerk, uniform blanks and ballots for such election and for making proper returns of said election. The officers of such meeting or election shall within ten days certify the result of the vote to the superintendent of the county in which such district mainly lies. When such proposed consolidation affects only common schools, and a majority of the total combined votes cast in all of the school districts affected by such proposed consolidation, are for consolidation; or when such proposed consolidation affects an independent school district and one or more common school districts, and a majority of the votes cast in said independent district, and a majority of the total combined votes cast in all of the common school districts affected by such proposed consolidation, are for consolidation, the County Superintendent within ten days thereafter shall make a proper order to give effect to such vote and shall thereafter transmit a copy thereof to the Auditor of each county in which any portion of each district affected lies, to the clerk of each district affected, and to the Superintendent of Public instruction. If the order be for the formation of a new district it shall specify the number of such district.

The County Superintendent shall also cause ten days posted notice and one week's published notice, if there be a newspaper published in such district, to be given of a meeting to elect five members of the Board of Education and a Treasurer of the newly formed consolidated school district; and such consolidated district shall, upon its formation, become an independent district with the powers and duties of, and be governed by the laws relating to independent districts.

Approved March 1, 1921.

CHAPTER 202.

(S. B. 50)

RELATING TO ABANDONMENT OF CONSOLIDATED SCHOOL DISTRICTS.

AN ACT Entitled, An Act to Amend Chapter 171 of the Session Laws of 1919, Relating to Abandonment of Consolidated School Districts.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Chapter 171 of the Session Laws of 1919 is hereby amended to read as follows:

Section 1. That in all school districts in which an election has been held for the purpose of forming a "Consolidated School District" and in which no building or buildings have been erected or purchased and in which no bonds have been issued since the consolidation of said District, an election may be called and held, as hereinafter provided, after

the expiration of one year from the consolidation of such District or Districts, for the purpose of determining whether the consolidation of such District or Districts shall be abandoned, and said District or Districts reorganized as common school districts.

Section 2. Upon presentation to the County Superintendent of a petition signed by at least forty (40) per cent of the electors of any such consolidated School District, qualified to vote at school meetings, the genuineness of whose signatures shall be verified by the affidavit of the person who circulated such petition, asking for the abandonment of such Consolidated District, the County Superintendent shall within ten (10) days cause twenty (20) days' posted notice to be given in such Consolidated School District and one (1) week's published notice, if there be a newspaper in such district, of an election to be held upon the question of the abandonment of the consolidation of said district, at a time and place so specified in such notice. At such election, the Board of Education of said Consolidated School District shall elect from their number a chairman and clerk who shall be the officers of the meeting. The chairman shall appoint two tellers and the meeting or election shall be conducted as are the regular annual school meetings. The vote of such election or meeting shall be by ballot which shall read "For Abandonment of Consolidation" or "Against Abandonment of Consolidation." The officers of such meeting or election shall within ten (10) days certify the result of the vote to the County Superintendent. If a majority of all of the electors of such consolidated district, vote in favor of abandonment, the County Superintendent shall on the first day of July, immediately following such election, make proper orders to give effect to such vote and shall transmit a copy thereof to the Auditor of the county and to the clerk of the said District affected, and also to the Superintendent of Public Instruction, and the County Superintendent shall then immediately cause ten (10) days' posted notice to be given in each of the former Districts included in said abandoned Consolidated School District, of a meeting to be held for the purpose of electing a new chairman, clerk and treasurer for each common school district and a Board of Education and a Treasurer for the Independent District therein which territory shall thereafter be and remain a school district and be governed by the general laws of the State of South Dakota applying to school districts, until changed or divided by the provisions of law applying thereto.

Section 3. For the purpose of determining the number of electors within such Consolidated School District for such election, the County Superintendent shall, immediately upon filing of petition asking for such election, appoint three of the members of the Board of Education of said Consolidated School District who shall constitute a Board of Registration. Such Registration Board shall meet on the second Tuesday following the date of their appointment, at the place designated for holding such election, and shall meet again on the following Tuesday; and shall be governed by the laws on Municipal Registration as found in Sections 7086 to 7096 inclusive, of the Revised Code of 1919; except that where the law applies to cities and town, this shall apply to Consolidated School Districts; provided however, that any person whose name does not appear on such registration list, but who votes at such election, upon executing proper affidavit, shall have his name added to such registration list and shall be counted as one of the electors in said District.

Section 4. All properties, acquired by the Consolidated School District seeking to be dissolved under this Act and where such Consol-

idated District has been dissolved, shall be re-distributed by the County Superintendent to the school districts which are created from the dissolved Consolidated School District in the same ratio as such property was acquired; provided, however, that such property as formerly belonged to the districts composing such Consolidated School District, shall be returned to the districts that previously owned it.

Section 5. Provided, however, that in any consolidated district in which there is an incorporated town or city and which consolidated district comes under the provisions of Section 1 of this Act, the several original districts embraced in such consolidated district may vote separately upon the question of abandonment, provided none of the common school districts embraced therein have been divided in forming such consolidation and an election may be called and held simultaneously in each of such districts and each of such districts upon the filing of a petition containing the percentage of signatures for each district as provided in Section 2 of this Act with the County Superintendent of Schools. Upon the filing of such petition it shall be the duty of the County Superintendent of Schools to call the election in the several original districts of such consolidated district to vote upon the question of abandonment. Upon the filing of such petitions the County Superintendent of Schools shall provide for the registration of electors in each of said original districts by appointing a Board of Registration in and for each District. The calling of the election in each district as above provided shall be governed by Section 2 of this Act and upon the holding of such election and the canvass of the vote by the County Superintendent of Schools if it shall be found that seventy-five per cent of all of the electors of the original common school district embraced within such Consolidated District vote for abandonment; then such consolidated district shall be dissolved and each district shall be reinstated as it originally existed prior to consolidation and property returned as provided in Section 4 of this Act.

Section 6. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 7. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1921.

CHAPTER 203.

(S. B. 29)

RELATING TO INSTRUCTION IN OTHER THAN THE ENGLISH LANGUAGE.

AN ACT Entitled, An Act Relating to the Branches Taught in the Public, Private, and Parochial Schools of the State of South Dakota, the Use of the English Language Therein, Prohibiting the Substitution of Any Other Language for the Teaching of the Subjects Now Required by Law to be Taught in English and the Use of the Public School Houses and Other Public Buildings of the State for the Teaching of Other Than English Language, Except as Provided by Law, and Providing Penalties for the Violation of the Act.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. It is the civic right of every child of school age to receive instruction in the subjects outlined in the State course of study

and mentioned in Chapter 168, Laws of 1919, in the English language, for a term provided in the State course of study and in the laws of the State until such child shall have completed the eighth grade; and it shall be unlawful for any person or persons to act, aid, assist, advise or be instrumental in abridging or attempting to abridge the privilege of any child to receive such instruction by substituting therefor instruction in some foreign language either by shortening the course of instruction in English in any school or by coercing, requiring or inducing any child to withdraw from a school in which instruction is given in English to attend a school in which instruction is given in any foreign language, or to establish a school in which instruction is given in any foreign language as a substitute for a school in which English is the sole medium of instruction.

Section 2. It shall be unlawful at any time during the months from September to May, both inclusive, for any person or persons or corporation to occupy or use any public school room or other public building in this state for the purpose of giving instruction in any foreign or ancient language or for teaching any subject, or subjects, in any excepting the English language except as permitted by the State course of study and in conformity with the provisions of Chapter 168 of the Session Laws of 1919; and it shall be unlawful during the time above specified for any school board or officer to authorize or permit the use of any public school room or other public building within this State for the purpose of teaching any foreign or ancient language or for the purpose of teaching any subject in such language contrary to the provisions of this section and of the laws thereinbefore referred to. Provided that nothing herein contained shall be construed to interfere with religious exercises on days other than school days.

Section 3. Any person who shall violate any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars and not exceeding five hundred dollars or imprisonment in the county jail for a period not less than thirty days, nor more than ninety days, or both such fine and imprisonment.

Approved March 11, 1921.

CHAPTER 204.

(H. B. 318)

RELATING TO COUNTY HIGH SCHOOLS.

AN ACT Entitled, An Act Providing for the Establishment and Maintenance of County High Schools.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That county high schools may be established in any of the counties of this state in compliance with the following provisions:

No county high school shall be located within three miles of the corporate limits of a city having a population of fifteen hundred (1500) inhabitants or more, "and such city or the independent school district containing such city shall be exempt from the provisions of this Act." Provided, that any other independent district or consolidated school district maintaining a four year accredited high school shall be exempt

from the provisions of this Act and no tax for county high school purposes shall be levied upon the assessable property thereof except as hereinafter provided. In reckoning the population of towns and cities for the purpose of determining the provisions of this Act, the latest official figures of the United States Census Bureau shall constitute the basis. Provided further, that a county high school once established under the provisions of this Act shall not be dissolved on account of an increase in population or the extension of the territorial limits of the village, town or other municipal corporation in which it is situated.

Section 2. Whenever in the opinion of any of the citizens of any county residing outside the territorial limits of the districts exempted from the provisions of this Act, it shall be deemed wise to establish one or not to exceed two county high schools, a petition or petitions may be executed which shall designate the location of the county high school or high schools to be established; such petition or petitions may also state the amount of bonds to be issued, if any, for the erection of buildings. If such petition or petitions containing the properly verified signatures of twenty-five per cent of the qualified electors of the territory of such county to be included in the county high school district shall be filed with the County Auditor, the Board of County Commissioners shall at its next regular meeting following the presentation of the petition, consider such petition and shall submit the question of establishing and maintaining such county high school or high schools to the electors of such county within sixty days after such meeting. Such special election shall be held in the manner and upon the notice prescribed by law for general elections and the returns shall be made and canvassed in the same manner as provided by law for general elections. The published and posted notices of such election shall state the object of such election, the location of the proposed county high school or high schools, and shall also, if such is stated in the petition, state the amount of bonds if any, to be issued for the erection of school houses. If a majority of all the votes cast at such special election upon the question of establishing a county high school or high schools, is in favor of the establishment thereof, the proposition shall be declared carried and a county high school district duly created. The board of county commissioners shall forthwith instruct the county superintendent to proceed with the organization of the county high school board as hereinafter provided, and to notify the Superintendent of Public Instruction of the establishment of such county high school.

Provided, that if a regular general election shall occur within six months after the presentation of the petition, the question of the establishment of the county high school shall be submitted on a separate ballot at the regular general election.

Section 3. County High School Board.] The county high school board shall consist of the county superintendent of schools, one member appointed by the board of county commissioners, two members elected by the qualified voters of the county at the general election, and one resident freeholder of the county appointed by the State Superintendent of Public Instruction. The elected members shall serve for two years and shall qualify on the same day as other county officers. All vacancies on the county high school board shall be filled for the remainder of the unexpired term by the remaining members acting as the county high school board at the next session of the board after such vacancy occurs. The two appointed members shall also serve for a term of two years. The county superintendent shall be president of the county high school board, and the county treasurer shall act as treasurer of the

county high school board, and the board shall appoint one of its number to act as secretary, who shall receive such additional compensation as the board may determine, but such additional compensation shall not exceed One Hundred (\$100.00) Dollars in any one year.

Section 4. Compensation of Members and Meetings of Board.] The president shall receive no per diem or other compensation as a member of the board, but may receive actual traveling expenses when away from the county seat on official business of the county high school board. The remaining members shall receive five dollars (\$5.00) per day for each session attended and actual traveling and hotel expenses, payable from the funds of the county high school board in the same manner as prescribed for other county officials. The county high school board shall meet at the county seat or such other place within the county as may be determined by the board on the third Tuesday of the months of January, April, July and October, and at such other times as may be necessary on the call of the president of the board. Provided, that upon request of any three members of the board, the president shall call a meeting of the county high school board.

Section 5. Powers and Duties.] The county high school board shall have the same powers and perform the same duties as boards of education in independent school districts, insofar as is applicable. In addition it shall have power to provide a dormitory as hereinafter provided; to purchase land not to exceed forty acres to be used as agricultural experiment plots; to accept any grounds, buildings or moneys that any person, school corporation or municipal corporation may wish to donate for the purpose of maintaining or assisting to maintain a county high school; to rent such buildings or class rooms as may be expedient; to lease any room or rooms in the buildings under its supervision not in immediate use, to a school corporation or other persons for any purposes it may deem wise; to make such arrangements as may be just and equitable with any board of education or school board relative to providing instruction for the high school pupils of such district, in the county high school. It shall also have power to rent such rooms or buildings as may be necessary at various times to properly conduct the affairs of the county high school district and to perform such other acts as may be necessary in the management of the county high school.

The county high school board, shall, previous to August 1st of each year, make an estimate of the probable cost of maintaining the county high school for the ensuing year and shall submit the same to the county commissioners who shall levy a special tax for this purpose. The county commissioners shall levy such tax upon all the assessable property of the county except the taxable property within any school district maintaining a four year accredited high school, other than a county high school. Such tax for county high school purposes shall be computed, entered on the tax roll of the county and collected in the same manner as are other county taxes and the amount so collected shall be deposited in the county treasury and be known and designated as the county high school fund. The county treasurer shall pay out money from this fund only on warrants authorized by the county high school board, issued by the secretary and countersigned by the president of the board. The levy for maintaining county high schools shall not be less than one-half mill nor more than three mills on the dollar of the assessed valuation of the county.

Provided, that no bonds shall be issued under the provisions of this act in an amount in excess of one per cent of the total assessed valuation of all property with the county. Such bonds shall be in denomi-

nations of not over one thousand dollars (\$1,000.00) nor less than one hundred dollars (\$100.00) and shall not run for a term of more than twenty (20) years and shall draw interest not in excess of seven (7) per cent. Said bonds may be issued in addition to all other bonds of the county.

The county high school board shall request the county commissioners at or before the time of issuing the bonds after the same have been voted to provide for the levy of an annual tax, sufficient to pay the interest and principal thereof when due, and all such levies when legally made shall be irrepealable until such debt shall be paid. Provided further, that such levy in a year shall not be greater than twenty per cent (20%) of the debt to be paid. The county high school board, may, in its discretion, instruct the county commissioners to purchase any of its outstanding bonds at their market value and pay for the same out of the sinking fund thereby created.

Provided further, that the funds thus provided for the maintenance and establishment of a county high school shall at no time be used for the maintenance or establishment of schools or grades of schools of rank below the eighth grade. Provided, that in all matters not especially covered by the provisions of this statute, such as issuing of bonds, the employment of teachers, and the course of study, the laws pertaining to and governing the management and control of the affairs of independent districts shall apply to the affairs of the county high school.

Any person being a resident of the county in which a county high school is maintained and holding an eighth grade diploma issued or endorsed by the county superintendent shall be entitled to attend the county high school without payment of tuition or other expense for instruction except laboratory fees, and fees for individual instruction outside the regular class hours of the school. Students who are not residents of the county in which the county high school is located may be admitted to such high school on payment of a tuition fee of not less than five (\$5.00) dollars nor more than ten (\$10.00) dollars per month, to be determined by the actual cost of instruction per pupil in the county high school. Provided, that no pupil from outside the county shall be accepted to the exclusion of any pupil resident of the county in which such county high school is located who is desirous of attending such high school.

Section 6. Additional Powers.] In addition to the powers already granted to the county high school board in this act, the county high school board may erect, purchase or lease one or more buildings to be used as dormitories for the accomodation of pupils in attendance at the county high school and of persons employed to teach therein and may furnish and equip the same from the high school funds of the county. It shall be the duty of the board to fix the rates, if any, to be charged students for rooms in the dormitories and to place in charge of each building used for dormitory purposes a competent and responsible person who shall act as matron and shall have charge of the conduct of the dormitory, subject to the rules and regulations of the board.

The county high school board may, if in its judgment it deems best, require any of its employees to give a bond to the county in the sum of one thousand (\$1,000.00) dollars as surety for the proper care and use of such property of the county as may be entrusted to their care.

The board shall have further authority to purchase and supply in the manner deemed most efficient and economical, such groceries and food-stuffs and other supplies as may be necessary to furnish meals to the students, teachers and other employees of the county high school at

a uniform, reasonable cost which shall be determined by the county high school board.

Section 7. Teachers and Course of Study.] The county high school board shall employ a principal of the high school who shall possess all the qualifications necessary for a principal of a four year accredited high school and who shall be employed for twelve months in the year. The board shall employ such other teachers as may be necessary to maintain a four year accredited high school. The course of study pursued in all county high schools established under the provisions of this act shall be submitted to the Superintendent of Public Instruction for approval and shall contain special courses in vocational agriculture, home economics and rural teacher training, which courses shall be entitled to receive state aid in the same manner as is provided for such other state aid departments in high schools of the state. Provided further, that if in the judgment of the county high school board there is sufficient demand therefor, it may order established night schools for instruction in citizenship or such other instruction as it may deem expedient.

Section 8. Provided, that any independent district or territory not included within the county high school district at the time of the organization of the high school district, may avail itself of the provisions of this act upon a majority vote of the electors of such independent district or territory, cast at a special election called for that purpose in the same manner as is provided for other special elections.

Section 9. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 12, 1921.

CHAPTER 205.

(S. B. 287.)

RELATING TO STATE AID FOR RURAL AND CONSOLIDATED SCHOOLS.

AN ACT Entitled, An Act Amending Section 1, 2 and 7 of Chapter 49 of the Session Laws of 1919 Relating to State Aid for Rural and Consolidated Schools.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 1 of Chapter 49 of the Session Laws of 1919 is hereby amended to read as follows:

Section 1. For the purpose of improving and standardizing educational facilities in the rural and consolidated schools of the state, and to create better hygienic and sanitary conditions therein, the Superintendent of Public Instruction is hereby authorized and required to apportion State Aid to schools which shall measure up to the standards prescribed under the provisions of this act. All allotments of state aid to schools under the provisions of this act shall be paid out of the funds of the Department of Public Instruction appropriated for that purpose. Provided, that any unexpended balance remaining in the fund already appropriated as provided in Chapter 49 of the Session Laws of 1919 shall not revert to the general fund but shall be carried forward into the state Aid funds of the Department of Public Instruction provided for the biennium ending June 30, 1923. Provided, that this act shall not be con-

strued as repealing any appropriation made in Chapter 49 of the Session Laws of 1919 for the fiscal year ending June 30, 1921.

Section 2. That Section 2 of Chapter 49 of the Session Laws of 1919 be amended to read as follows:

Section 2. For the purpose of distributing state aid, school districts shall be classified as State Rural Schools and State Consolidated Schools. The amounts hereinafter specified shall be distributed annually to school districts which shall comply with the provisions of this law as hereinafter provided.

Section 3. That Section 7 of Chapter 49 of the Session Laws of 1919 be amended to read as follows:

Section 7. Amount and Method of Apportionment.] On or before the first day of June of each year the Superintendent of Public Instruction shall apportion to each of the schools which have fully complied with the provisions of this act and such additional rules as may be prescribed by the Superintendent of Public Instruction, in the following amounts: To State Rural Schools, the sum of one hundred fifty (\$150.00) dollars; to First Class State Consolidated Schools, the sum of four hundred (\$400.00) dollars; to Second Class State Consolidated Schools, the sum of two hundred fifty (\$250.00) dollars; and to State Consolidated High Schools, the sum of six hundred (\$600.00) dollars; to any school district which shall erect a suitable cottage as a teacher's home according to the plans and specifications approved by the Superintendent of Public Instruction, the sum of five hundred (\$500.00) dollars upon the completion of the building. Provided, however, that in case the amount appropriated and available shall not be sufficient to pay the amounts specified above, then the amount available shall be apportioned pro rata among the schools entitled thereto, and any monies under this act shall be used solely to increase the efficiency of such schools. Provided, that not more than two schools of each class in any one township shall receive state aid under the provisions of this act.

Section 4. Whereas, this act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this act shall be in full force and effect from and after its passage and approval.

Section 5. All Acts or parts of acts in conflict with this act are hereby repealed.

Approved March 12, 1921.

CHAPTER 206.

(H. B. 341.)

RELATING TO TRANSPORTATION OF SCHOOL CHILDREN.

AN ACT Entitled, An Act to Amend Section 7485 of the South Dakota Revised Code of 1919, as Amended by Chapter 53, Laws of the Special Session of 1920, Relating to Transportation of School Children.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 7485 of the South Dakota Revised Code of 1919, as amended by Chapter 53, Laws of the Special Session of 1920, be and the same is hereby amended to read as follows:

Section 7485. Transportation.] When pupils reside more than two and one-half miles from the nearest school house in the school district and not to exceed three miles, the parent, guardian, or pupil shall receive from his school district ten cents per day for each pupil; if more than three miles and not to exceed four miles, twenty cents per day; if more than four miles and not to exceed five miles, thirty cents per day, if more than five miles, forty cents per day; provided, however, that in cases where more than one pupil from any family receives compensation under the provisions of this section, the total amount allowed for any one family shall not exceed twenty cents for traveling three miles or under, forty cents for traveling between three and four miles, sixty cents for traveling between four and five miles, and eighty cents for traveling five miles or more; provided, that such financial provisions shall be only for actual attendance at public school and conditioned that the district in no way furnish means of conveyance; provided, that when any pupil shall have passed the eighth grade, such pupil, his parent or guardian shall not receive payment for transportation to or from school. Provided, that when pupils reside nearer some school in another district, the school board or Board of Education may make arrangements for the schooling of such pupils at such other school by paying tuition at a rate not to exceed the per capita cost per month of tuition in such other district for each pupil so enrolled, unless some other rate be agreed to between the School Boards of districts concerned prior to the enrollment of any such pupil; such tuition to be computed from the time of enrollment until such pupil leaves such school permanently, or to the close of the school term, and such transportation as previously provided for in this section. Provided, further, the distance traveled by the most direct route, to be established by the District Board, subject to an appeal as provided for appeals from decisions of School Boards, relative to school matters, shall be the basis of computation. Provided, further, that no township or district shall expend more than Eight Hundred Dollars for transportation in any one year, provided, further that payments may be made monthly or at the close of the school year in the discretion of the District Board, and if bills allowed are in excess of Eight Hundred Dollars, said sum of Eight Hundred Dollars shall be divided pro rata. Provided, further, that in any district in which a public school shall have been discontinued, it shall be the duty of the district school board to make such provisions as shall be determined by the county superintendent for the schooling of the pupils who would ordinarily be in attendance at the school were it not discontinued. Provided, further, that in any district where children of school age shall live more than two miles from the nearest school within or without the district, and the parents or guardians of such children are not satisfied with the transportation provided by law, it shall be the duty of the district school board to make such provision as shall be determined by the county superintendent for the schooling of such children. If any parent or guardian be dissatisfied with the decisions of the County Superintendent in such cases, then an appeal therefrom, may be taken to the Circuit Court of the county in the manner provided by law for appeals from decisions of District School Boards.

Section 2. Whereas, this act is necessary for the immediate preservation of the public safety and for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1921.

CHAPTER 207.

(H. B. 127.)

RELATING TO DIVISION OF SCHOOL DISTRICTS.

AN ACT Entitled, An Act to Amend Section 7446 of the South Dakota Revised Code of 1919, Relating to Division of School Districts.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 7446 of the South Dakota Revised Code of 1919, be and the same is hereby amended to read as follows:

Section 7446. Division of Districts.] Any common school district may be divided in the following manner: Plats shall be prepared showing the several districts into which it is proposed to divide such district. A petition shall then be circulated and signed by a majority of the electors of each proposed district, to which petition shall be attached the plat of the new districts to which such petition refers, in which petition it shall be stated that a division of the school district is desired in accordance with the attached plat. Each person signing such petition must add to his signature his place of residence by a legal description, his postoffice address and the date of signing. Such petition, having been circulated and signed, shall have attached thereto the affidavit of the person circulating the same, stating that the petition was signed in his presence by the persons whose names appear thereon at the times stated in such petition, and the petition so circulated and signed shall be filed in the office of the county superintendent of schools. If the petition filed as aforesaid contains the names of a majority of the electors of each of the proposed districts to which such petition refers, the county superintendent of schools, with the board of county commissioners, at the next regular April meeting of such board, shall proceed to divide such district in accordance with such petition and plat, if in their judgement such division ought to be made, and the County Superintendent shall appoint temporary officers for each new district, who shall serve until the first annual school election and until their successors are elected and qualified. At the regular meeting of the Board of County Commissioners in July following such division, the board and the County Superintendent shall make an equitable apportionment of the property and indebtedness, other than bonded, of the district among the new districts formed therefrom; provided that should there be any bonded indebtedness outstanding against the district, the County Commissioners shall levy a tax annually, on the property of the new districts formed therefrom, sufficient to pay the interest and principal of the bonds as the same become due. The County Treasurer shall apply such tax to the payment of such bonded indebtedness, and when the bonds are paid and cancelled the County Treasurer shall place the unused balance of such tax, if any, to the credit of the districts formed therefrom.

Section 2. A record of such joint action of the County Superintendent and Board of County Commissioners shall be made in the minutes of the Commissioners Proceedings, and an appeal may be taken by any aggrieved person or party from said action in the same manner and time as is now allowed by law to be taken from the actions or decisions of the Board of County Commissioners.

Approved February 24, 1921.

CHAPTER 208.

(H. B. 344.)

RELATING TO COUNTY SUPERINTENDENT OF SCHOOLS.

AN ACT Entitled, An Act Amending Sections 7419 and 7420 of the Revised Code of 1919 as Amended by Chapter 172 of the Session Laws of 1919, Relating to Mileage and Expenses of County Superintendents of Schools, and Appointment and Compensation of Deputy County Superintendents.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 7419 of the Revised Code of 1919 as amended by Chapter 172 of the Session Laws of 1919, be amended to read as follows:

Section 7419. Mileage and Expenses.] In addition to the salary herein provided, the county superintendent of schools shall receive payment for traveling and hotel expenses incurred in attending such meetings of the county superintendents as may be convened by the Superintendent of Public Instruction; provided, that an itemized statement of such expenses, sworn to before a notary public and accompanied by receipts for all items in excess of two dollars (\$2.00) is presented to the county auditor. He shall also be reimbursed by the county for the necessary traveling expenses incurred in the performance of his duties within the county at the rate of at least fifteen cents per mile for each mile traveled by automobile or horse-drawn vehicle, and five (\$.05) cents per mile for each mile traveled by railroad. Provided, that not to exceed eight dollars (\$8.00) expense shall be allowed in any one year for each and every school under the supervision of the superintendent. He shall furnish quarterly to the county commissioners an itemized statement of such mileage expense, subscribed and sworn to, which claims shall be audited and ordered paid by the board of county commissioners as are other claims against the county.

Section 2. That Section 7420 of the Revised Code of 1919 as amended by Chapter 172 of the Session Laws of 1919, be amended to read as follows:

Section 7420. In a county having fifty or more schools under the direct supervision of the county superintendent, the county superintendent may appoint an office deputy for whose acts as such he shall be responsible. Such office deputy may or may not possess the qualifications required by law for the county superintendent, but he must be at least fitted to do office work and must hold a valid teacher's certificate. In counties having one hundred (100) or more schools under direct supervision of the county superintendent, the county superintendent may, in addition, appoint a field deputy having the qualifications of the county superintendent for whose acts as field deputy the county superintendent shall be responsible. The office deputy shall receive a salary fixed by the county commissioners. The field deputy shall receive a salary fixed by the county commissioners of not less than seventy-five per cent of the salary of the county superintendent per month. Each deputy shall take and subscribe the same oath as his principal, naming his deputyship, which shall be endorsed and filed with his certificate of appointment. Provided, that when an office or field deputy is engaged at the minimum salary herein provided, the filing of such oath and certificate of appointment with the county auditor shall be construed as induction into office and the county shall be liable for his

salary after date of such filing and until his services terminate. Provided, that no deputy shall be employed or paid under the provisions of this section unless the county superintendent shall at the same time devote his whole time to the duties of the office.

Section 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved March 12, 1921.

CHAPTER 209.

(S. B. 87.)

RELATING TO ANNUAL TAX LEVY.

AN ACT Entitled, An Act to Amend Section 7499 of the South Dakota Revised Code of 1919, Relating to Tax Levies in School Districts and to the Maintenance of a School in Each Common School District.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 7499 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 7499. Annual Meeting of Board, Tax Levy.] At the annual meeting of the school district board in July of each year, it shall be the duty of the Clerk and the Treasurer to read their respective annual reports and the board shall verify them as herein provided. And such board by resolution shall levy such tax as the patrons shall have directed at the annual election, but it shall not be less than two mills nor more than fifteen mills on the dollar of the assessed valuation of the taxable property of the district. If any school district fails to hold in any school year at least eight months of school in any school house in the district, providing no legal discontinuance be had, it shall be the duty of the county superintendent to notify the county treasurer of all monies due such district from the apportionment fund (for the semi-annual term ended the 30th day of June of the preceding year,) which amount shall remain to the credit of such district and no warrant shall be drawn therefor until such district shall have complied with the law, unless the district board made provision for the instruction of the pupils for the required time in some other school. In case of failure in any district to levy a tax sufficient to support a school for the number of months above named, or in case of a levy below the minimum tax herein provided, the board of county commissioners shall levy a tax on the property of the district sufficient for these purposes; provided, that in case any district board shall fail or neglect to engage a duly certified teacher and suitably provide for the maintenance of and maintain a school for at least eight months in any one year, ending the first day of October, in any schoolhouse in the district, no legal discontinuance being authorized, and shall fail to provide reasonable school facilities for all the children of school age in the district, the Superintendent of Public Instruction may, in his discretion, instruct the county superintendent to enter into a contract with a qualified teacher for such school, which contract so made shall be of the same force and effect as a contract made by the district board, and the teacher employed thereunder shall be paid out of the funds belonging to the school district and the school board shall issue warrants for the payment of the salary of such teacher.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved March 1, 1921.

CHAPTER 210.

(S. B. 51.)

RELATING TO OATH OF ALLEGIANCE BY TEACHERS.

AN ACT Entitled, An Act Relating to Teachers' Certificates, Requiring an Oath of Allegiance from Teachers, Prohibiting Disloyalty on the Part of Teachers, and Declaring an Emergency:

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That no teacher's certificate of any grade shall hereafter be issued in this state unless the applicant shall first take and subscribe an oath to support the Constitution of the United States and of the State of South Dakota, which shall be kept on file in the office of the Superintendent of Public Instruction.

Section 2. No teacher shall hereafter be employed in any private, parochial or public school, or in any other educational institution within this state who shall not have taken and subscribed an oath of allegiance as required in Section one hereof, either preliminary to the issuance of this teacher's certificate or at the time of his employment; in the latter case such oath shall be attached to and become a part of his contract of employment.

Section 3. No school board or officer shall hereafter employ as a teacher any person who shall refuse to take the oath of allegiance hereinbefore provided for.

Section 4. Any teacher who shall have publicly reviled, ridiculed or otherwise spoken or acted with disrespect and contumacy towards the flag of the United States or its official uniforms or insignia, or towards the system of government of the United States and its Constitution, or shall refuse to take and subscribe the oath of allegiance hereinbefore required shall thereafter forever be disqualified to teach in any public or private school within this state, and the certificate of any such teacher shall be revoked by the superintendent of public instruction upon satisfactory proof of the commission of any such offense.

Section 5. Whereas, this Act is necessary for the immediate preservation of the public safety and for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved February 8, 1921.

CHAPTER 211.

(S. B. 286.)

RELATING TO TRAINING OF TEACHERS.

AN ACT Entitled, An Act Amending Section 1 of Chapter 182 of the Session Laws of 1919, Relating to the Training of Teachers for the Common Schools of the State of South Dakota.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 1 of Chapter 182 of the Session Laws of 1919 be amended to read as follows:

Section 1. The Superintendent of Public Instruction is hereby authorized to apportion state aid to high schools which shall maintain a Normal Department for the training of teachers with special reference to work in the rural schools of the state. All allotments of state aid to high schools under the provisions of this Act shall be paid out of the funds of the Department of Public Instruction, appropriated as state aid for such purposes. The amount of state aid apportioned to any high school shall not exceed the sum of One Thousand (\$1,000.00) Dollars per annum. Provided, that any unexpended balance remaining in the fund already appropriated as provided in Chapter 182 of the Session Laws of 1919 shall not revert to the general fund but shall be carried forward into the state aid funds of the Department of Public Instruction provided for the beinnium ending June 30, 1923. Provided further, that this Act shall not be construed as repealing any appropriation made in Chapter 182 of the Session Laws of 1919 for the fiscal year ending June 30, 1921.

Section 2. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1921.

CHAPTER 212.

(S. B. 95.)

RELATING TO TEXT BOOKS.

AN ACT Entitled, An Act to Amend Sections 7618, 7619, 7620, 7621, 7622, 7629 and 7630 of the South Dakota Revised Code of 1919, Relating to County Text Book Committee, and for the Repeal of Sections 7623, 7624, 7625, 7627 and 7628 of the South Dakota Revised Code of 1919.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Sections 7618, 7619, 7620, 7621, 7622, 7629 and 7630 of the South Dakota Revised Code of 1919 be, and the same are, hereby amended to read as follows: And that sections 7623, 7624, 7625, 7627 and 7628 of the South Dakota Revised Code of 1919 are hereby repealed.

Section 7618. County Text Book Committee.] The County Superintendent of Schools, the Chairman of the Board of County Commissioners, the County Auditor and two rural teachers who are permanent residents of the county, to be selected by the Board of County Commissioners at their regular meeting in April shall constitute a County Text Book Committee for the purpose of selecting and adopting all the text books needed for use in the public schools of the county, except as otherwise provided herein. The County Superintendent of Schools shall be the chairman of said committee, and the County Auditor shall be the secretary, and a majority of such committee shall constitute a quorum for the transaction of business.

Section 7619. Meeting of Committee.] Such committee shall meet at the office of the County Superintendent of Schools on the second Tuesday of June, 1922, and every five years thereafter, and select and adopt a complete series of school text books to be used in the schools of the county: Provided, nothing in this article shall be construed to

prevent any County Text Book Committee from selecting a series of text books from two or more publishers. The County Text Book Committee shall advertise for twenty days in the official newspapers published in each county that at a time and place named in the notice said committee will receive sealed bids for furnishing school books to the pupils of the public schools of the county as provided in this article for a term of five years.

Section 7620. Selecting Text Books.] Before selecting and adopting school text books in accordance with the provisions of this article it shall be the duty of such committee to take into consideration the books used in the county, and all books submitted by the publishers, and to most carefully consider the price, the type, the material and the binding and other items that go to make up a desirable text book, and no text book shall be adopted the price of which is above the contract or wholesale price at which such books shall have been furnished to any other state, county or school corporation in the United States during the year previous to such adoption, and should any publisher reduce the contract price of books to any school corporation within the United States below the contract price entered into by such text book committee, such publisher shall reduce the price accordingly to each school corporation within the State of South Dakota.

Section 7621. Notice of Meeting.] The County Superintendent shall notify each member of the County Text Book Committee, in writing, of the time and place of meeting at least twenty days before the date of such meeting, and he shall prepare and furnish such information as shall assist the committee in acting for the best interests of the people.

Section 7622. Contract for Books.] The Board of County Commissioners shall contract with the publishers of such books as have been adopted by the County Text Book Committee, designating the price at which such books shall be furnished, and they shall pay for the books and transportation of the same, so contracted for, out of the general fund of the county on warrants signed by the County Auditor and countersigned by the Chairman of the Board of County Commissioners, and all receipts received from the sale of books to the individual school districts of the county by the County Auditor shall be credited to the general fund of the county.

Section 7629. Bribery Prohibited.] No school teacher, teaching within the county, school officer or member of any school board or committee, shall be allowed to receive any emolument, in cash or otherwise, from any publisher, or publishers, of school books in payment for a vote, or a promise to vote, or use his influence for any book or books to be used in the schools under his charge, or within the county, nor shall any agent or other person be allowed to give or offer any emolument as heretofore described, or promise of work or other inducement to any teacher, teaching within the county, school officer or member of any school board or committee for any vote, or promise to vote, or to use his influence for any book or books to be used in the schools under his charge; provided, that nothing in this section shall be construed to prevent any member of the text book committee from receiving a reasonable number of sample copies for investigation with a view to obtaining information as to the book or series of books for which such text book committeeman shall cast his vote; provided, further, that nothing in this section shall be construed to prevent any teacher from obtaining employment from any publishing house to work in any other county in the interests of such publishing house. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

Section 7630. The Board of Education of any Independent District maintaining a four year High-school course may adopt and purchase all text books for any such independent district for a duration of time as may be decided by such board and furnish the same to the pupils of such district free as now provided by law, and pay for same out of the special school funds of such district.

Section 2. That Sections 7623, 7624, 7625, 7627, and 7628, and all other acts and parts of acts in conflict with the provisions of this act, are hereby repealed.

Approved March 12, 1921.

CHAPTER 213.

(S. B. 160.)

RELATING TO TEXT BOOKS.

AN ACT Entitled, An Act to Amend Section 7626 of the South Dakota Revised Code of 1919, as Amended by Chapter 173 of the Session Laws of 1919.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 7626 of the South Dakota Revised Code of 1919, as amended by Chapter 173 of the Session Laws of 1919, be and the same is hereby amended to read as follows:

Section 7626. Purchase of Books.] All books for the several school districts of the county shall be purchased by the county in compliance with the contract entered into by the Board of County Commissioners and shall be paid for out of the County General Fund. The County Auditor shall be designated by the Board of County Commissioners as purchasing agent, who shall order and keep on hand a sufficient number of each text of books to supply each pupil in the schools of the county, which books shall be furnished to all pupils free of cost in the following manner: The clerk of the school district board, or the secretary of the Board of Education, in each independent district, shall ascertain what books are needed in the school, or schools, in his district from time to time and order the same from the county auditor, who shall furnish such books. Thereupon the county auditor shall charge the cost of such books to the school district ordering same and if the school district does not pay for the same at the time of ordering, the county auditor shall charge the same to the school district and deduct the amount from the first installment of the school fund money belonging to said district and give the school district credit for same.

Provided, however, that in counties where the county superintendent of schools is provided with a permanent office deputy he shall keep the office open at all times during office hours, and the superintendent shall have the custody of text books for distribution to the districts of the county, and in such distribution it shall be the duty of the county superintendent of schools to make a complete report to the county auditor each week showing in detail the books sold and delivered, showing names of persons and names or numbers of school districts receiving the same, together with number of each kind of book sold or delivered, the price of each and the aggregate amount of such sale, and if any such books are sold for cash, it shall be the duty of such County Superintendent of Schools to turn such cash over to the county auditor with each such report, as above provided, and upon the receipt of such report the county auditor shall proceed as above provided in this section.

Approved March 12, 1921.

CHAPTER 214.

(H. B. 36.)

RELATING TO TUITION AND DISTRICTS DISCONTINUED.

AN ACT Entitled, An Act Amending Sections 7490 and 7517 of the Revised Code of 1919, Relating to Tuition of Pupils in Attendance at Schools Outside Their Own District.

Be It Enacted by the Legislature of the State of South Dakota:

That Sections 7490 and 7517 be amended to read as follows:

Section 7490. Provision for Schooling of Children in Discontinued Schools.] 1. Any School in a common school district may be discontinued by the district board, provided proper arrangements are made for the schooling of all pupils of the district in other schools, if in the judgment of the district board such action is to the best interest of the pupils and the district. The school board may make arrangements for the transportation of the pupils in attendance at the school at the time of its discontinuance to such other school as it may determine, or it may pay for the lodging and board of such pupils in lieu of transportation. Provided further, that if such pupils are assigned to schools outside the district, all tuition charges shall be paid from the funds of the district in which the parents of such pupils reside. Said tuition charges shall be the per capita expense of schooling the pupils in such other schools and shall be determined from the last annual report of the county superintendent of the county in which such school is located upon the basis of the enrollment in school for the previous year, Provided, that in case of such pupils attending a public school located in an adjoining state the district shall pay such tuition charges as may be approved by the county superintendent of schools. Provided further, that any parent or guardian not satisfied with the arrangements made for the schooling of the children under their control may appeal to the county superintendent whose decision in the matter shall be final.

Section 7517. Tuition of Non-Resident Pupils in High School.]

1. Any pupil who shall successfully complete the work of the eighth grade as established in the State Course of Study, and who holds a common school diploma granted by the County Superintendent, or other eighth grade diploma endorsed by him, is privileged to continue his school work up to and including the twelfth grade by attending any public high school or state educational institution of this state, or adjoining state, furnishing a higher course of study than that offered by his home district without payment of any tuition except for laboratory fees or for individual instruction outside of regular school hours. Provided, that the school district or state educational institution in which such pupil is enrolled as a high school student, shall be compensated by the school board of his home district for such instruction as hereinafter provided.

2. The County Superintendent shall determine the actual per capita cost per month of schooling a student in each of the high schools in the county for the preceding year, from the annual reports on file in his office. Such per capita cost shall be arrived at by dividing the grand total under "cost of high school maintenance" by the number of pupils as per school census of pupils who have passed the eighth grade enrolled and dividing this quotient by the number of months that school was in session. The per capita monthly cost thus determined shall be the legal

Laws—21.

tuition which such district may charge non-resident pupils. The county superintendent shall notify the Clerk of the Board of each school district maintaining a high school in his county, of the amount of such tuition and it shall be the duty of such Clerk to collect semi-annually all tuition fees due a district from the school district having pupils attending the high school in his district. Provided, that if payment is not made within a reasonable time by any district, the Clerk of the district to whom tuition fees are due, may present a duplicate bill, duly sworn to before a Notary Public, to the County Auditor of the county in which such pupil resides who shall, upon approval of such claims by the county superintendent, issue a warrant upon the county treasurer for the amount of the claim, which amount shall be charged against the funds belonging to said district in the hands of the county treasurer. Provided, that where such attendance shall be in a public high school or State educational institution located in an adjoining state, the board shall pay such tuition as shall first be approved by the County Superintendent of Schools.

3. Provided, that for the purpose of interpreting the provisions of this act and all other acts relating to the payment of tuition for the schooling of non-resident pupils, a child shall be considered a resident of the school district in which his parents, guardian or persons sustaining the relation of loco parentis, resided at the time of the official enumeration of the last annual school census.

4. Provided, further, that all questions relative to the payment of tuition not specifically covered by the provisions of this act, shall be referred to the County Judge of the county in which the school district making the claim for tuition mainly lies, and it shall be the duty of said County Judge to decide such cases upon a fair and equitable basis.

Approved March 12, 1921.

CHAPTER 215.

(H. B. 147.)

RELATING TO VOCATIONAL EDUCATION.

AN ACT Entitled, An Act Amending Sections 7409 and 7410 of the Revised Code of 1919, as Amended by Chapter 184 of the Session Laws of 1919, Relating to the State Board of Vocational Education.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 7409 of the Revised Code of 1919 as amended by Chapter 184 of the Session Laws of 1919 be amended to read as follows:

Section 7409. Powers and Duties.]

1. The State Board of Education shall have all necessary power to cooperate with the federal board of vocational education in the administration of said federal act, and in the administration of the act providing for vocational rehabilitation of persons disabled in industry, which was accepted by the Governor on behalf of the State of South Dakota as authorized by the Legislature under date of November 27th, 1920. It shall be the duty of the board of regents to designate one or more of the institutions of higher education under its control, in which shall be maintained classes for preparing teachers, supervisors and directors of

agricultural subjects, teachers of trade, industrial and home economics subjects; to apportion the federal aid for preparing such persons to the institution or institutions so designated; and to apportion from the funds appropriated for the maintenance of such institution or institutions a sum equal to such federal aid, such funds so apportioned to be used exclusively in the preparation of such teachers, supervisors and instructors as herein provided; and in other ways to cooperate with the state board in carrying out the provisions of this article.

2. The State Board of Education may approve upon the recommendation of the president of the board, high schools which shall maintain departments for the teaching of vocational agriculture, home economics, and trades and industries. Provided, that the State Board of Education shall out of the monies hereinafter appropriated reimburse from federal and state funds such schools as may be approved by the State Board of Education for the maintenance of departments in high schools for the teaching of vocational agriculture and home economics. Provided further, that the State Board of Education shall reimburse from said funds available such high schools as may maintain departments for the teaching of trades and industries under the regulations prescribed by the State Board, and the Federal Board for vocational education.

3. The aid so disbursed to the different schools of the state shall be divided equitably among the schools approved by the board and shall not exceed the cost of maintenance of such department and shall in no way be used to defray the expenses of installation of permanent equipment.

4. The State Board of Education is hereby authorized and empowered to cooperate with the federal board for vocational education in the administration of the provisions of the federal act relating to vocational rehabilitation of persons disabled in industry or otherwise, and is empowered and directed to adopt rules and regulations relative to the qualifications of persons who may become beneficiaries of this act; to prescribe and provide such courses of vocational training as may be necessary for the vocational rehabilitation of persons disabled in industry or otherwise, and to provide for the supervision of such training. It shall also be the duty of the State Board of Education and the Industrial Commissioner of the state to formulate a plan of cooperation in accordance with the provisions of this act and of said act of Congress, such plan to become effective when approved by the Governor of the State.

5. The State Board of Education shall have authority to appoint upon the recommendation of the Superintendent of Public Instruction such officers and assistants as he may deem necessary to properly administer the federal acts and this act of the State of South Dakota and to fix the compensation of the executive officer and of such officers and assistants and to pay such compensation and necessary expenses of such officials and assistants from the funds as hereinafter provided. Provided, further, that the executive officer of the State Board of Education shall receive a salary of Six Hundred Dollars (\$600.00) a year for his services as such, payable in twelve monthly installments.

Section 2. That Section 7410 of the Revised Code of 1919 as amended by Chapter 184 of the Session Laws of 1919 be amended to read as follows:

Section 7410. Appropriation, Custodian of Funds.]

1. The aid so disbursed to the different schools of the state and to persons who may become beneficiaries under the vocational rehabilitation act and all other expenses incurred in administering the provisions of this act and of the aforementioned federal acts, shall be paid out

of the funds of the Department of Public Instruction appropriated for that purpose and from the federal funds allotted to the State of South Dakota for similar purposes. Provided, that not more than Five Thousand (\$5,000.00) Dollars annually shall be paid from the aforementioned state funds for the administration of the provisions of this act for purposes other than as state aid to schools.

2. The State Treasurer shall be custodian of all monies paid to the state from federal appropriations for the promotion of vocational education, and shall disburse the same upon warrants from the State Auditor issued upon the certificate of the Superintendent of Public Instruction. The State Board of Education shall, on or before the last Tuesday in July authorize the Superintendent of Public Instruction to certify to the State Auditor the amount apportioned as state and federal aid to each school approved under the provisions of this act. The State Auditor shall upon the receipt of such certificate draw warrants on the state treasury in favor of the secretary of the board of education or clerk of the school district for the sum so specified for the different school districts of the state approved by the State Board of Education.

3. Any claims for aid under the provisions of the vocational rehabilitation act, and any claims for state and federal aid from schools in excess of the appropriation provided for state and federal aid for agriculture and home economics, which shall be incurred prior to July 1, 1921, shall be paid out of the funds of the Department of Public Instruction, appropriated as state aid to rural and consolidated schools for the fiscal year ending June 30, 1921.

Section 4. Whereas, there is no legal provision in the statutes of the State of South Dakota for the administration of the federal act relating to vocational rehabilitation of persons injured in industry or otherwise, therefore, this act is declared necessary to the support of the state government and its existing institutions and an emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage and approval.

NOTE BY THE SECRETARY OF STATE: The foregoing act, having been presented to the Governor of this state for his approval, and not having been returned by him to the House of the Legislature in which it originated, or to the Secretary of State with his objections, within the time prescribed by the Constitution, has become a law without his approval.

C. A. BURKHART,
Secretary of State.

Embalming

CHAPTER 216.

(H. B. 133.)

RELATING TO STATE BOARD OF EMBALMERS.

AN ACT Entitled, An Act to Amend Section 7779 of the South Dakota Revised Code of 1919, Relating to the State Board of Embalmers.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 7779 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 7779. Board—Membership.] The State board of embalmers shall consist of the president and secretary of the state board of health, and three persons who shall be practical and practicing embalmers, one of whom shall be a resident of the Black Hills section of the state, the said persons each to hold office for the term of three years, or until their successors are appointed and qualified. All appointments on said board to fill vacancies however caused shall be made by the Governor from nominations of six or more qualified candidates to be filed with the Governor by the South Dakota Funeral Directors Association.

Approved February 25, 1921.

Embezzlement

CHAPTER 217.

(H. B. 10)

RELATING TO EMBEZZLEMENT.

AN ACT Entitled, An Act to Amend Section 4229 of the South Dakota Revised Code of 1919, Relating to Embezzlement.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 4229 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

"Section 4229. When Trustee Is Guilty of Embezzlement." If any person being a trustee, banker, merchant, broker, attorney, agent, assignee in trust, executor, administrator or collector, or being otherwise intrusted with or having in his control property for the use of any other person or persons or for any public or benevolent purpose, fraudulently appropriates it to any use or purpose not in the due and lawful execution of his trust, or secretes it with the fraudulent intent to appropriate it to such use or purpose, and any contractor who appropriates money paid to him for any use or purpose, other than that for which

he received it, is guilty of embezzlement, and the payment of laborers and material-men for work performed or material furnished in the performance of any contract is hereby declared to be the use and purpose to which the contract price of such contract or any part thereof, received by the contractor shall be applied.

Section 2. All acts and parts of acts in conflict with this act are hereby repealed.

Approved February 24, 1921.

Eminent Domain

CHAPTER 218.

(S. B. 318)

RELATING TO TRIALS IN CONDEMNATION PROCEEDINGS.

AN ACT Entitled, An Act to Amend Section 2945 of the South Dakota Revised Code of 1919 Relating to Trial of Cases to Determine Compensation for Private Property Taken.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 2945 of the South Dakota Revised Code of 1919 be amended to read as follows:

Section 2945. Trial as to Defendants Who Appear.] As to all the defendants who appear within the time specified in the summons, the proceeding shall be conducted in like manner as provided in Section 2944, except that three days notice of the time and place of trial may be given by either party and the case brought on for trial at any regular or special term of court called for such purpose, and on the failure of of the plaintiff, after such notice, to proceed with the trial, said petition shall be dismissed as to such defendant, and any lis pendens involving the title of property of such defendant shall be discharged and no other proceeding for the same purpose shall be brought by the plaintiff against such defendant until after the expiration of one year, and then only by leave of the court upon good cause shown and upon the condition that the plaintiff will, in good faith, prosecute such proceeding against such defendant with reasonable diligence.

Section 2. That all Acts and parts of Acts in conflict with this Act be hereby repealed.

Section 3. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1921.

Elections

CHAPTER 219.

(S. B. 108)

RELATING TO BALLOTS ON CONSTITUTIONAL AMENDMENTS, INITIATED MEASURES AND REFERRED LAWS.

AN ACT Entitled, An Act to Amend Section 7216 of the South Dakota Revised Code of 1919, Relating to the Form of Title to Constitutional Amendments, Initiated Measures and Referred Laws, and Prescribing the Duties of the Secretary of State and Attorney General.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 7216 of the Revised Code of 1919 be amended to read as follows:

Section 7216. Ballots, Duties of Secretary of State and Attorney General.] Whenever any constitutional amendment, initiated measure, referred law or question shall be submitted by the Legislature to a vote of the people, the title to any such constitutional amendment shall be: A JOINT RESOLUTION PROPOSING and agreeing to an amendment to Article (state number) of the Constitution of the State of South Dakota (stating amendment.) And the title to any such initiated measure or referred law shall be: An Act Entitled, An Act Relating to (Stating the Subject.) As an example: An Act Entitled, An Act relating to State Drainage.) No other subject matter shall be embraced in the title. And it shall be the duty of the Secretary of State in preparing the form of ballots for the several county auditors of the state to print only such titles as above specified upon the ballot. It shall also be the duty of the Attorney General, within sufficient time before the election for transmission to each county auditor, of this state, to prepare a concise statement, not to exceed four hundred words, of the purpose and legal effect of each proposed constitutional amendment, initiated measure, referred law or other question, particularly with reference to the existing law, which statement shall follow immediately after the title on the official ballot; each title and statement to be followed by the words, "Shall the above amendment to the Constitution be approved and ratified?" in case of amendments, and "Shall the above measure become a law of this state?" in case of referred laws, measures or other questions, immediately to the left of which shall be printed the words "Yes" and "No," each preceded by a square or circle. Each elector desiring to vote "Yes" place a cross within the square or circle before the word "Yes". Those desiring to vote "No" will place a cross within the square or circle before the word "no." And the Attorney General shall also state plainly that a vote "yes" is in favor of the change of the constitution and a vote "No" is in favor of leaving the constitution as it exists. Also that a vote "Yes" on an initiated measure is in favor of changing the existing law and a vote "no" is in favor of leaving the law as it exists. Also that a vote "Yes" on a referred law sustains the acts of the Legislature in a passage of the law. And a vote "No" rejects the acts of the Legislature in the passage of the law. The Secretary of State shall certify the same to the county auditors at the same time in the same manner

that certificates of nomination are certified, to be printed on the official ballots in the same form as provided herein, it being the intent of this section that the explanatory statement, above mentioned, shall be printed on the ballot in lieu of the law, measure, constitutional amendment or other question to be submitted to a vote of the people.

Approved February 25, 1921.

CHAPTER 220.

(S. B. 15)

RELATING TO CAMPAIGN EXPENSES.

AN ACT Entitled, An Act to Amend Sections 7374 and 7375 of the Revised Code of 1919, Relating to Campaign Expenses.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Sections 7374 and 7375 of the Revised Code of 1919 be amended so as to read as follows: .

Section 7374. Unlawful Expenses.] It shall be unlawful for any political committee, candidate or other person to hire, or to lend or to pay, or promise to pay, any money or to give, or promise to give, anything of value to any person to work at the polls on any election day in the interest of any party, or candidate. It shall be unlawful for any political committee, candidate or other person to lend or pay, or promise to pay, any money or to give, or promise to give, anything of value to any person for work or services on election day, in endeavoring to influence or procure any person to come to or remain away from the polls.

It shall be unlawful for any political committee, candidate or other person to lend or pay, or promise to pay, any money or to give, or promise to give, anything of value to any person for work or services on election day in endeavoring to influence or procure any other person to vote or refrain from voting for any candidate or candidates. No sum of money shall be paid and no expense shall be authorized or incurred by or on behalf of any candidate for any public office or position in the state except such as may be paid or incurred in connection with the printing or circulation of written or printed matter, in excess of fifty per cent of one year's salary or compensation of the office for which candidate is an aspirant. No sum of money shall be paid and no expense shall be authorized or incurred by or on behalf of any political party or organization, to promote the success of any candidate for public office or position in this state contrary to the provisions of this chapter; and no candidate for public shall spend any sum of money directly or indirectly to promote the success or defeat of any constitutional amendment, initiated measure or referred law.

Section 7375. Payment of Expenses by Candidate.] Every person who shall be a candidate at any election or primary election for any national or state office shall within thirty days after such election make and file with the Secretary of State, and any candidate for county, or district office, shall within thirty days file with the county auditor of the county in which such candidate resides, a detailed statement of all moneys loaned, expended, paid or promised to be paid by him, or by any one, to the best of his knowledge and belief on his behalf, in

attempting to secure, or in any manner in connection with his election to such office, or in connection with the promotion of the success or defeat of any constitutional amendment, initiated measure or referred law. Such statement shall show the name of every person, committee, club or other organization to whom or which money, compensation or pecuniary reward of any kind has been promised, for any article furnished or services performed on account of or in connection with such election and also the amounts so paid, or loaned, or promised to be paid. Such statement shall be verified before some officer empowered to administer oaths and the form of such verification shall be as follows: "I, _____, do hereby solemnly swear that the foregoing is a full and true statement of the expenses incurred by me or by any one in my behalf, to the best of my knowledge and belief, to secure my election (or nomination) to the office of _____ in the year _____, and I further solemnly swear that I have not expended or loaned in the campaign for such office, directly or indirectly, nor have I authorized any other person for or on my behalf to expend or loan directly or indirectly, nor have I promised or obligated myself directly or indirectly to pay any money or give any other thing of value for any of the objects or purposes forbidden by the laws of the State of South Dakota, nor have I paid to any person or persons directly or indirectly any money to promote the success or defeat of any constitutional amendment, initiated measure or referred law."

Approved March 10, 1921.

CHAPTER 221.

(S. B. 246)

RELATING TO CAMPAIGN EXPENSES.

AN ACT Entitled, An Act to Amend Section 7376 of the South Dakota Revised Code of 1919, Relating to Campaign Expenses.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 7376 of the South Dakota Revised Code of 1919 be amended as follows:

Section 7376. Every political committee shall have a treasurer, and shall cause to be kept a detailed account of all money, property, or other thing of value received by it, and of the manner in which the same shall be expended, or contracted to be expended, and within thirty days after any election at which such committee shall have expended any money, property, or other thing of value, or contracted to spend, pay or contribute at any future period in the campaign preceding such election, or in any way in connection with the same, the treasurer of such committee shall file with the Secretary of State if in the interest of a state officer or state proposition, and with the County Auditor of the County in case of county officers or county propositions, a statement of all its receipts and expenditures with the date of such report and the indebtedness created for future expenditure of any such money, property, or other thing, showing in detail from whom such such money, property or other thing of value was received, or from whom any such money, property, or other thing of value had been

promised to be paid, for what specific purpose each statement was made, or contracted to be made, and the exact nature of the service rendered in consideration thereof. Any person not a member of such a committee who collects or disburses any funds, property, or other thing of value, or promises to disburse any money, property or other thing of value exceeding five dollars in the aggregate, for the purpose of promoting the election or defeat of any candidate or the adoption or defeat of any such question shall file and verify a statement of the same kind as is required to be filed by treasurers of committees.

Provided, further, that it shall be the duty of the attorney general to investigate any unlawful expenditures or statements filed under the provisions of Section 7374, 7375, and 7376 of the South Dakota Revised Code of 1919, and to prosecute any violation thereof.

Approved March 12, 1921.

CHAPTER 222.

(S. B. 14.)

RELATING TO CONDUCT OF ELECTIONS.

AN ACT to Amend Section 7273 of the Revised Code of 1919, Relating to Electioneering.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 7273 of the Revised Code of 1919 be amended so as to read as follows:

Section 1. Section 7273. No officer of election shall do any electioneering on election day. No person whatsoever shall do any electioneering on election day within any polling place or any building in which an election is being held, or within fifty feet thereof, nor obstruct the doors or entries thereto, or prevent free ingress to and egress from said building. Any election officer, sheriff, constable or other peace officer is hereby authorized and empowered, and it is hereby made his duty, to clear the passageways and prevent such obstruction, and to arrest any person so doing. No person shall remove any ballot from the polling place before the closing of the polls. No person shall show his ballot after it is marked to any person in such a way as to reveal the contents thereof, or the name of the candidate or candidates for whom he has marked his vote, nor shall any person solicit the elector to show the same; nor shall any person, except a judge of election, receive from any elector a ballot prepared for voting. No elector shall receive a ballot from any other person than one of the judges of election having charge of the ballots, nor shall any person other than such judges of election deliver a ballot to such elector. No elector shall vote or offer to vote any ballot except such as he has received from the judges of election having charge of the ballots. No person shall make a false statement as to his inability to mark his ballot. No elector shall place any mark upon his ballot by which it may afterwards be identified as the one voted by him. Every elector who does not vote a ballot delivered to him by the judges of election having charge of the ballots shall, before leaving the polling place, return such ballot to such judges. Whoever shall violate any of the provisions of this section shall be deemed guilty of a misde-

meanor, and upon conviction thereof in any court of competent jurisdiction shall be fined in any sum not exceeding two hundred dollars, and adjudged to pay the costs of prosecution, and shall stand committed to the county jail until such fine and costs are paid, not exceeding sixty days.

Section 2. All acts and parts of acts in conflict with this act are hereby repealed.

Approved January 27, 1921.

CHAPTER 223.

(S. B. 93.)

RELATING TO ELECTORS WHO MOVE FROM PRECINCT WITHIN 30 DAYS PRIOR TO ELECTION.

AN ACT Entitled, An Act to Provide Provisions for Voting at General and Primary Elections Where an Elector has Moved from one Election Precinct Where he is Registered to Another Election Precinct Within Thirty Days Prior to Any Such Election.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That any elector who moves from an election precinct where he is registered to any other precinct in the State within thirty days prior to any election he may retain his right to vote in the election precinct from which he moved, either in person or by mail as provided by law. Provided, however, that he shall at least ten days before any such election give to the Registration Board of the precinct from which he moved notice in writing of such removal, stating the date thereof, and that he intends to vote in such precinct at such election. Such notice shall be in the hands of the Registration Board at least ten days prior to any such election, and upon the receipt of such notice it shall be the duty of such board of registration to retain such name on the registration list, and in such case such elector shall be permitted to vote in such precinct the same as if he had not moved therefrom and his ballot canvassed the same as other ballots cast in such election. Provided, that in elections where no registration is required a person may vote in the precinct from which he moved within the thirty days prior to any election.

Approved February 19, 1921.

CHAPTER 224.

(S. B. 124)

RELATING TO NON-POLITICAL JUDICIARY NOMINATIONS AND ELECTIONS.

AN ACT Entitled, An Act to Provide for the Non-Political Nomination and Election of Judges of the Supreme, Circuit and County Courts.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. General Provision.] All candidates for the offices of Judge of the Supreme, Circuit and County Courts shall be nominated and voted for at the primary and general elections in the manner provided by this act and no otherwise.

Section 2. Non-Political Nominations.] The names of all candidates for the offices of Judges of said Courts shall be presented for nomination by individual nominating petitions. The name of no candidate for the office of Judge of the Supreme, Circuit or County Court shall be printed upon any non-political judiciary primary ballot, or voted for at any primary election, unless, in case of candidate for Judge of Supreme Court, an individual nominating petition shall have been filed in the office of the secretary of state, at least thirty and not more than sixty days prior to such primary election, which nominating petition shall be signed according to law, by at least two and not to exceed ten per cent of all the electors of each Supreme Court district of the state, or, in case of a candidate for Circuit Judge, such a nominating petition so signed by a like per cent of the electors of each county in the circuit, shall be filed as above; or in case of a candidate for Judge of the County Court, such a nominating petition so signed by a like per cent of the electors of the county, shall be filed with the county auditor within the time above provided. "All the electors" of the state, district, or county, as the case may be, shall, for the purposes of this act, be the total number of electors casting votes, in the state, district, or county, for the several candidates for Governor at the last preceding general election. It shall be unlawful for any political party to endorse or nominate by any proposal or other convention, or other method, any candidate for the office of Judge of the Supreme, Circuit or County Court.

Section 3. Declaration of Candidate.] In any petition filed by or on behalf of any candidate for nomination to the office of Judge of the Supreme, Circuit or County Court at any primary election, no reference shall be made to any party ballot or to the party affiliation of such candidate; nor shall there be attached to or contained in such petition any declaration other than a declaration by such candidate that, if nominated and elected, he will qualify for the said office.

Section 4. Nominations by Primary Vote Unnecessary When.] When petitions are filed by or on behalf of not to exceed two persons as candidates for nomination of the office of Judge of the Supreme, Circuit or County Court for any district, circuit or county, the names of such persons need not be placed upon the primary ballot, but said person or persons shall be the nominee or nominees for such office; it being provided, however, that, in circuits having two Circuit Judges, the above provision shall apply when petitions are filed by or on behalf of not to exceed two candidates for nomination from any one county and not to exceed four candidates in all; and shall also apply in such circuits as to the candidates even where some one other county in said circuit has three or more candidates, provided there are not to exceed two candidates in all from counties having less than three candidates.

Section 5. Separate Ballots for Judicial Nominations.] At all primary elections, at which candidates for Judges of the Supreme, Circuit or County Courts are to be nominated, where three or more petitions have been filed (except as otherwise provided in Section 4 hereof) there shall be prepared and furnished by the several county auditors, separate ballots upon which shall be placed the names of the candidates for such offices, which ballots shall be entitled "Non-Political Judiciary Ballot," and shall contain no other designation. The names of all candidates shall be placed thereon without any party designation, and said ballot shall be substantially as follows:

NON-POLITICAL JUDICIARY BALLOT

Place an X in the square in front of the name of each candidate voted for.

Every voter of the state has the right to vote for one Judge of the Supreme Court in each Supreme Court District.

For Judge of the Supreme Court from the District.

Every voter of the state may vote for one of the following candidates:

- () John Doe
- () Richard Roe
- () James Murphy

For Judge of the Circuit Court.

Every voter has the right to vote for one of the following candidates.

- () John Doe
- () Richard Roe
- () James Murphy

For Judges of the Circuit Court in Circuits having two Judges.

Every voter has the right to vote for two of the following candidates who must be residents of different counties:

- () John Jones of _____ County
- () Peter Smith of _____ County
- () Samuel Brown of _____ County
- () Joseph Ray of _____ County

For Judge of the County Court.

Every voter has the right to vote for one of the following candidates:

- () Samuel J. Tilden
- () James Buchannan
- () Andrew Jackson

A ballot shall be delivered to each elector by a proper election officer. The two candidates receiving the highest number of votes as nominees for Judge of the Supreme Court from any District, shall be declared the nominees from such district. The two candidates receiving the highest number of votes as nominees for Judge of the Circuit Court shall be declared such nominees; provided, however, that, in judicial circuits in which there are two judges, the nominees may be, but shall not exceed, four in number, and shall be first, those candidates, if any nominated under the provisions of section 4 hereof, and second, those candidates receiving the greatest number of votes at the primary election but in no case including more than two candidates who are electors of any one county. In the nomination of County Judges, the two candidates receiving the highest number of votes as the nominees for Judge of such county shall be declared the nominees.

Section 6. Filling Vacancies.] Whenever after nominations have been made under the provisions of the foregoing sections of this act, and prior to the time limited, by the general election laws then in force, for the filing of nomination petitions for candidates, the number of nominees for the office of a Judge of the Supreme, Circuit or County Court, shall be reduced through death, withdrawal or disqualification of a nominee or nominees for such office, the qualified electors of the state, circuit or county, as the case may be, may, in the manner now or hereafter provided by general law for the nomination of non-political or independent candidates for state office, nominate one or more candidates for such

office of judge, provided, however, that the form of nominating petition to be filed under this section be controlled by sections 2 and 3 of this act; provided further that such nominating petition sought to be filed for a candidate for the office of Judge of the Supreme Court, shall be signed by at least 5 per cent of all the electors of this state and, for a candidate for the office of Judge of the Circuit or County Court, be signed by at least ten per cent of all the electors within the circuit or county; provided further that, when it is sought, under this section, to fill a vacancy in the nominations for Circuit Judge in a circuit having two Judges, the person seeking nomination cannot be an elector of a county of which two existing nominees nominated under this or the preceding section, are electors; and provided further that, where, prior to the creation of the vacancy, one of the existing nominees in a circuit having two Judges, had no opposing nominee, the party nominated to fill such vacancy shall stand, at the general election, as the opponent only of that nominee to whom his predecessor was an opposing nominee.

Section 7. Ballots at General Election.] At the general election there shall be a separate ballot entitled "Non-Political Judiciary Ballot" which shall be prepared and furnished by the county auditors of the several counties, upon which ballot there shall be printed the following names and none other:- the names of all candidates who have been nominated in one of the manners in this act provided. First, candidates for Judges of the Supreme Court from each of the several districts of the State. Second, candidates for Judge of the Circuit Court of the Judicial Circuit of which that particular county is a part. Third, candidates for the office of County Judge of that county. The names shall be printed upon such ballot without party designation, and such ballot shall be in the same form as the primary ballot herein provided for.

Section 8. General Election Laws Applicable.] All election laws of this state now or hereafter enacted, relating to the nomination and election of candidates for office, shall apply to the nomination and election of Judges of the Supreme, Circuit and County Courts, except where in conflict with the provisions of this act; provided that no act or acts providing for the recall of an elective office shall apply to a Supreme, Circuit or County Judge.

Section 9. All acts or parts of acts in conflict with this act are hereby repealed.

Approved February 19, 1921.

CHAPTER 225.

(H. B. 26)

RELATING TO ELECTION PRECINCTS.

AN ACT Entitled, An Act to Amend Subdivision 2 of Section 7231 of the South Dakota Revised Code of 1919, Relating to Election Precincts.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Subdivision 2 of Section 7231 of the South Dakota Revised Code of 1919 be amended so as to read as follows:

Section 7231. Subdivision 2. Each organized civil township wherein twenty-five or more votes were cast for Governor at the preceding general election shall constitute an election precinct, except as

provided in the preceding subdivision; provided, however, that in any organized civil township having an area of fifty-four sections or more and having a voting population of three hundred fifty registered electors or more, according to the registration list of the last preceding general election, which organized civil township is embraced in one election precinct, may be divided and two election precincts created therefrom by the board of county commissioners upon a petition signed by one hundred electors of such election precinct praying for such division for general and primary election purposes. Such petition shall in addition to the prayer for division also designate the names to apply to such election precincts so created, and place of holding elections therein which election precincts shall carry the name of the civil township and be designated as North _____ Precinct or South _____ precinct, East _____ precinct or West _____ precinct. And after the creation of such election precincts the county auditor shall make a record of such change and the county commissioners shall establish as polling places, the places designated in the petition.

Approved February 10, 1921.

CHAPTER 226.

(H. B. 217)

RELATING TO ELECTION PRECINCTS.

AN ACT Entitled, An Act to Amend Paragraph 5 of Section 7231 of the South Dakota Revised Code of 1919, as Amended by Chapter 186, Session Laws of 1919, Relating to Separate Election Precincts in Incorporated Towns.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That paragraph 5 of section 7231 of the South Dakota Revised Code of 1919, as amended by chapter 186, Session Laws of 1919, be and the same is hereby amended to read as follows:

5. Incorporated towns wholly within one county, together with contiguous territory not to exceed four government townships in area, upon the petition of seventy-five per cent of the qualified electors residing in such proposed election precinct, may, in the discretion of the board, be set apart as a separate election precinct.

Approved March 12, 1921.

CHAPTER 227.

(H. B. 87)

RELATING TO POLITICAL ADVERTISING.

AN ACT Entitled, An Act Relating to Political Advertisements, and Providing Penalties.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. It shall be unlawful for any publisher of a newspaper, periodical or magazine to publish or insert within the advertising columns of such newspaper, magazine or periodical or elsewhere therein, any matter paid or to be paid for which is intended or tends to influence directly or indirectly any voting at any Primary or General Elec-

tion unless at the head of said matter is printed in non-pariel capital Letters or larger type the words "Paid Advertisement" and unless there is also a statement at the head of said matter showing the name and address of the candidate in whose behalf the matter is inserted and of any other person, if any, authorizing the publication of the matter published or inserted, and the name of the author thereof.

Section 2. Any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor.

Section 3. All acts or parts of acts in so far as they are in conflict with the provisions of this act are hereby repealed.

Approved March 4, 1921.

Escheats

CHAPTER 228.

(S. B. 25.)

RELATING TO ESCHEATS AND PUBLIC ADMINISTRATORS.

AN ACT Entitled, An Act to Amend Sections 718, 3050, 3249 and 3470 of the South Dakota Revised Code of 1919, Relating to Escheats and to the Manner of Determining the Same, Either Through an Action Instituted for that Purpose or in the Course of Probate Proceedings, Providing for and Defining Duties of Public Administrators, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 3050 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 3050. States Attorney and County Judge to Report.] It shall be the duty of States Attorneys and County Judges to report to the Governor or to the Attorney General all cases coming to their attention wherein there is reason to believe that any real or personal property has escheated or may escheat to the State, and all cases wherein there is reason to believe that the whole of the estate of a decedent may pass either by succession or by devise to any person or persons other than the persons or classes of persons mentioned in subdivisions 1, 2, 3 and 4 of Section 701 of the South Dakota Revised Code of 1919; and it shall then be the duty of the Attorney General to conduct an investigation, and if it appears that there is a defect of heirs of the classes mentioned in subdivisions 1 to 7, inclusive, of Section 701 of the Revised Code of 1919, and that any persons who may be asserting their claims to such estate as heirs, devisees, legatees or otherwise are not lawfully entitled thereto, then it shall be his duty to cause an action to be brought in the name of the State for the recovery of such property or its reduction into the possession of the State. Provided, that in any of the cases above enumerated, if it shall appear to the Attorney General that the condition of the estate is such as will permit the question of the right of succession thereto, including the rights of the State as the ultimate heir of the decedent, to be determined in the course of probate proceedings in the manner provided by law, then the Attorney General shall be authorized to institute or to intervene in any probate proceedings affecting such estate, in lieu of the proceedings provided for by

this Article. Provided further, that the right of action created by this Article shall be concurrent with and in addition to the right of the State to conduct or participate in probate proceedings affecting the same property, and the two methods of procedure hereby authorized may be conducted without interference with each other, subject to the provisions of Section 3053 of this Article. And if the Governor of this State shall have reason to believe that any real or personal property has escheated through defect of other heirs, he may direct the Attorney General or any States Attorney of any county in which the whole or any part thereof is situated to institute such proceedings as may be necessary and proper to protect and enforce the rights of the State with respect thereto.

Section 2. That Section 718 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 718. If There Are No Other Heirs, Escheats to the State.] If there is no one capable of succeeding under the provisions of subdivisions numbered 1 to 7, inclusive, of Section 701, the property of a decedent devolves and escheats to the State as the ultimate heir, by right of succession, and not otherwise. The word "escheat" as used throughout this Code shall be construed to mean the devolution or descent of property to the State, by right of heirship, in the order of succession as established by Section 701 of this Code. The words "any person interested," or similar expressions as used in Sections 3210, 3231, 3258, 3267, 3366, 3368 and elsewhere in Title 3 of this Code shall be deemed to include the State in all cases where the State is permitted to appear in a probate proceeding under the provision of this section; and the words "heir" or "heirs," as used in Title 3 of this Code, shall be deemed to apply to the State in any case where the decedent leaves no husband, wife or kindred; in any such case the State shall be entitled to all the rights of an heir in any Court of probate, including the right to nominate an administrator.

Whenever it shall appear to the Attorney General that the estate of a decedent has escheated to the State because of the defect of other heirs, it shall be his duty to institute such proceedings as may be necessary and proper to protect and enforce the rights of the State therein, either under the provisions of Article VII, Chapter 2, Part 10, Title 2, of this Code, or by asserting the claim of the State in the Probate Court; and in such cases the State shall have the same right as any other claimant to heirship, to institute or participate in any probate proceeding, to contest wills, to nominate an administrator and to participate in and direct the probate proceedings generally. And the County Courts of this State are invested with jurisdiction to hear and determine any claim of the State in such cases, and to adjudge that an estate has escheated, and to make and enter a final decree vesting the property of such estate in the State of South Dakota, subject to the provisions of Section 3470 of this Code as now amended.

Section 3. That Section 3249 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 3249. Who Are Entitled to Letters of Administration.] Administration of the estate of a person dying intestate must be granted to some one or more of the persons hereinafter mentioned, and they are respectively entitled thereto in the following order:

1. The surviving husband or wife, or some competent person whom he or she may request to have appointed.
2. The children.
3. The father or mother.

4. The brothers.
5. The sisters.
6. The grandchildren.
7. The next of kin entitled to share in the distribution of the estate.

8. The nominee of the State, as designated by the Attorney General or other proper officer of the State, in all cases where there is a failure of heirs of the seven classes hereinbefore designated, in which case the State, as the ultimate heir in the line of succession, shall be entitled to control the administration of the estate. Provided, that the County Judge of any county in this State may, by a written appointment filed in the office of the Clerk of Courts of his county, appoint a public administrator for such county, who shall give a good and sufficient bond to be approved by the County Judge and by the Board of County Commissioners, in an amount sufficient to cover the aggregate value of the personal property of all estates which may be committed to his care; which bond shall be renewed or increased from time to time as the circumstances may require. Each such appointment shall be for a term not exceeding two years, and during such term the public administrator shall be entitled and it shall be his duty to administer upon all estates within his county, where there is no person in existence having a prior right to such administration under the provisions of this section.

9. The creditors.

10. Any person legally competent.

If the decedent was a member of a partnership at the time of his decease, the surviving partner must in no case be appointed administrator of his estate.

Section 4. That Section 3470 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 3470. What Decree of Distribution Must Show.] In the decree the court must name the persons and the proportions or parts to which each shall be entitled, and such persons may demand, sue for and recover their respective shares from the executor or administrator, or any person having the same in possession. Such decree is conclusive as to the rights of heirs, legatees or devisees, subject only to be reversed, set aside, or modified on appeal. If the decedent shall have left surviving him no husband, wife or kindred capable of inheriting his estate, the decree shall vest the estate in the State of South Dakota for the benefit of the common schools of the State; provided, however, that such decree declaring an escheat shall contain a further provision to the effect that at any time within five years after the entry of such decree any person not a party or privy to the probate proceeding in which such decree is made, and who has no notice or knowledge thereof, may institute an action in the Circuit Court of that county, in the same manner as provided in Section 3058 of the Revised Code, for the purpose of asserting his claim or right to the property of the estate or the proceeds thereof. And any such claimant shall have the same right to assert his claim within five years after the entry of such decree in probate as he would have had under the provisions of Section 3058 of the Revised Code in case of a judgement of escheat in an action instituted under the provisions of Article VII, Chapter 2, Part 10, Title 2 of the Revised Code; and such decree of the Probate Court shall have the same force and effect as a judgement of escheat in an action instituted under the escheat statute, and shall become final and conclusive against all the world at the expiration of the period prescribed by Section

3058 of the Revised Code, unless it shall be vacated and set aside prior to that time, in an action brought under the provisions of said Section 3058.

Section 5. Whereas, this Act is necessary for the immediate support of the state government and its existing institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1921.

Estates of Decedents

CHAPTER 229.

(S. B. 3)

RELATION TO PARTITION AND DISTRIBUTION.

AN ACT Entitled, An Act to Amend Section 3477 of the South Dakota Revised Code of 1919, Relating to Partition or Distribution of Real Estate of an Estate After an Assignment by an Heir or Devisee and Legalizing Distribution or Partition Heretofore Made.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 3477 of the South Dakota Revised Code of 1919, be and the same is hereby amended to read as follows:

Section 3477. When Interest Has Been Conveyed by Heir.] Partition or distribution of the real property of the estate may be made as provided in this and in preceding chapters although some, or all of the heirs or devisees may have conveyed their share to other persons, and such shares must be assigned to the persons holding the same, in the same manner as they otherwise would have been to such heirs or devisees. Distribution or partition heretofore made in accordance with the provisions of this Section is hereby declared valid.

Approved February 5, 1921.

Evidence

CHAPTER 230.

(H. B. 8)

RELATING TO DYING DECLARATIONS.

AN ACT Entitled, An Act Relating to Evidence in Criminal Actions.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Dying Declarations.] Dying declarations are statements of material facts concerning the cause and circumstances constituting the *res gestae* of any of the following felonies to-wit: homicide,

rape, as rape is defined in sub-divisions 3 and 4 of Section 4092 of the South Dakota Revised Code of 1919, and abortion, as abortion is defined in Section 4116 of the Revised Code of 1919, made by the victim voluntarily while sane and under the fixed and solemn belief that his death is inevitable and near at hand.

Section 2. In all prosecutions for the following felonies to-wit, homicide, rape, as rape is defined in sub-divisions 3 and 4 of Section 4092 of the South Dakota Revised Code of 1919, and abortion, as abortion is defined in section 4116 of the Revised Code of 1919, the dying declarations of the deceased, as defined in the foregoing section, are always admissible in evidence, provided, the deceased would be a competent witness if living. All such declarations are also admissible in behalf of the defense.

Approved March 12, 1921.

Executive Accountant

CHAPTER 231.

(S. B. 301)

RELATING TO DUTIES AND COMPENSATION OF EXECUTIVE ACCOUNTANT.

AN ACT Entitled, An Act to Amend Section 6901 of the South Dakota Revised Code of 1919, Also Section 6905 as Amended by Section 2 of Chapter 198 of the Session Laws of 1919, and to Provide the Executive Accountant With a Seal for His Office.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6901 of the Revised Code of 1919, be amended to read as follows:

Section 6901. Examination of City, Town, Township and District Officers.] It shall be the duty of the executive accountant or an assistant to examine and audit the books and accounts of the officers of each city of the first class in the state at irregular periods once each year. Such examination shall cover such period as the executive accountant shall direct, but in no case shall the examination extend back more than six years from the date the examination is started.

He shall also install a uniform system of accounting in the city offices and the forms for the records, receipts, vouchers and other documents for such uniform system of accounting shall be prepared by the executive accountant.

The executive accountant and his assistants are also authorized to make examinations of the books and accounts of the officers of all cities, incorporated towns, townships and school districts when called by the presiding officer of any such taxing district or upon request by petition signed by twenty per cent of the resident tax payers of such taxing district, as shown by the assessment roll for the preceding year.

Section 2. That Section 6905 of the Revised Code of 1919, as amended by Section 2 of Chapter 198 of the Session Laws of 1919, be amended to read as follows:

Section 6905. Salary, Fees, Per Diem, Expenses, How Paid.] The Executive Accountant shall receive a salary of thirty-six hundred

dollars a year and the assistant accountants shall receive a salary of twenty-four hundred dollars a year to be paid monthly.

The Executive Accountant and his assistants shall receive their actual and necessary expenses incurred in the discharge of their duties, to be paid upon vouchers as other state officers.

For each examination made by the executive accountant or his assistant as authorized by law, the county, city, town, township or school district shall pay the sum of ten dollars per day and expenses for each and every day necessarily engaged in making the examination.

In all cases where the assistant accountant is subpoenaed as a witness for the county or other taxing district in the prosecution of officers of the county or other taxing district reported on by him, the county or other taxing district shall pay all witness fees and all expenses of serving subpoenas and attachments for witnesses and all expenses of procuring testimony including the necessary expenses of such accountant.

All claims against the counties or taxing districts shall be prepared and certified to by the State Auditor and Executive Accountant and a warrant shall be issued in favor of the State Treasurer in payment thereof at the first regular or special meeting of the county Board as Board of the Taxing District after the examination is completed. Provided, that upon the neglect or refusal of a county board or board of taxing district to issue a warrant in payment of the expenses incurred in making an examination as provided by this article at its first regular or special meeting after the examination is completed, interest at seven per cent per annum shall be added for the time the same remains unpaid after the date of such meeting.

Section 3. The Executive Accountant shall have a seal of office containing the words "Executive Accountant of South Dakota" in the form of a circle, and the word "SEAL" within the circle.

Copies of all records and reports in the office of the Executive Accountant certified to by him and authenticated by the seal shall be received in evidence in all courts and with like effect as the originals.

Approved March 14, 1921.

Extradition

CHAPTER 232.

(S. B. 80)

ADOPTING UNIFORM ACT FOR EXTRADITION OF PERSONS OF UNSOUND MIND.

AN ACT Entitled, An Act to Provide for the Extradition of Persons of Unsound Mind, and to Make Uniform the Laws of the States Which Enact the Same.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Name of the Act.] This act may be cited as the Uniform Act for the Extradition of Persons of Unsound Mind.

Section 2. Definition of Terms.] The terms "flight" and "fled" as used in this act, shall be construed to mean any voluntary or involuntary departure from the jurisdiction of the Court where the proceedings hereinafter mentioned may have been instituted and are still pend-

ing, with the effect of avoiding, impeding or delaying the action of the court in which such proceedings may have been instituted or be pending or any such departure from the state where the person demanded then was, if he then was under detention by law as a person of unsound mind and subject to detention. The word "state" wherever used in this act shall include states, territories, districts and insular and other possessions of the United States. As applied to a request to return any person within the purview of this act to or from the District of Columbia, the words "executive authority," "Governor" and "Chief Magistrate" respectively shall include a justice of the Supreme Court of the District of Columbia and other authority.

Section 3. Persons Subject to the Act.] A person alleged to be of unsound mind found in this state, who has fled from another state, in which at the time of his flight:

(a) he was under detention by law in a hospital, asylum, or other institution for the insane as a person of unsound mind; or

(b) he had been theretofore determined by legal proceedings to be of unsound mind, the finding being unreversed and in full force and effect, and the control of his person having been acquired by a court of competent jurisdiction of the state from which he fled; or

(c) he was subject to detention in such state, being then his legal domicile (personal service of process having been made), based on legal proceedings there pending to have him declared of unsound mind:

shall, on demand of the executive authority of the state from which he fled, be delivered up to be removed thereto.

Section 4. Procedure.] Whenever the executive authority of any state demands of the executive authority of this state, any fugitive within the purview of Section 3 and produces a copy of the commitment, decree or other judicial process and proceedings, certified as authentic by the Governor or Chief Magistrate of the state whence the person so charged has fled, with an affidavit made before a proper officer showing the person to be such a fugitive, it shall be the duty of the executive authority of this state to cause him to be apprehended and secured, if found in this state, and to cause immediate notice of the apprehension to be given to the executive authority making such demand, or to the agent of such authority appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear. If no such agent appears within thirty days from the time of the apprehension, the fugitive may be discharged. All costs and expenses incurred in the apprehending, securing, maintaining and transmitting such fugitive to the state making such demand, shall be paid by such state. Any agent so appointed who receives the fugitive into his custody shall be empowered to transmit him to the state from which he has fled. The executive authority of this state is hereby vested with the power, on the application of any person interested, to demand the return to this state of any fugitive within the purview of this act.

Section 5. Limitation.] Any proceedings under this act shall be begun within one year after the flight referred to in this act.

Section 6. Interpretation.] This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Section 7. Repeal.] All acts or parts of acts inconsistent with this act are hereby repealed.

Approved February 9, 1921.

False Personation and Cheats

CHAPTER 233.

(S. B. 40)

RELATING TO ARMY BADGES.

AN ACT Entitled, An Act to Amend Section 4248 of the South Dakota Revised Code of 1919, Relating to Unlawful Wearing of Army Badges, and Providing a Penalty Therefor.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 4248 of the South Dakota Revised Code of 1919, be and the same is hereby amended to read as follows:

Section 4248. Unlawful Wearing of Army Badges.] It shall be unlawful for any person to wear the badge of the Grand Army of the Republic, Spanish American War Veterans, the American Legion, or of any other organization composed of members, or former members, of the military or naval forces of the United States, unless such person is entitled to the same by being a member of such organization. Every person convicted of violating the provisions of this section shall be punished by a fine not exceeding one hundred dollars (\$100.00) for each and every offense.

Approved February 9, 1921.

CHAPTER 234.

(S. B. 243)

RELATING TO FRATERNAL SOCIETY EMBLEMS.

AN ACT Entitled, An Act Prohibiting the Wearing or Using With Fraudulent Intent of the Badges or Other Emblems of Secret Fraternal Associations by Non-members Thereof; and Providing Penalties for its Violation.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. It shall be unlawful for any person not a member in good standing of a fraternal secret association, society, order or organization to wear or use, or to aid, promote or instigate the wearing or using of any emblem, badge, button, device or insignia of such secret fraternal association, society, order or organization, with intent to defraud or deceive others.

Section 2. Any persons violating the provisions of this act shall be deemed guilty of a misdemeanor.

Approved March 12, 1921.

Feeble Minded

CHAPTER 235.

(H. B. 202)

RELATING TO THE SEGREGATION OF FEEBLE MINDED.

AN ACT Entitled, An Act to Provide for the Segregation and Maintenance of Feeble Minded Persons in South Dakota, and Appropriating Money Therefor.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. The state commission for the control of the feeble minded is hereby created. It shall consist of the Superintendent of the State School and Home for Feeble Minded, and one physician, one psychologist, one sociologist and one lawyer to be appointed by the governor. The appointive members shall serve for terms of four years, and shall, except the secretary, receive for their services the sum of Five dollars for each day actually and necessarily devoted to the performance of their duties and their actual, necessary expenses. The said Superintendent of the State School and Home for Feeble Minded shall be chairman of the board and the psychocologist appointed by the Governor shall be the secretary, and shall receive an annual salary of Twenty Four Hundred Dollars and shall reside at said State School and Home for Feeble Minded. The chief office of said commission shall be at the said State School and Home for Feeble Minded.

Section 2. It is the purpose of this act to provide that all feeble minded persons resident within this state shall become the wards of the state and shall be kept segregated to the end that they shall not reproduce their kind.

Section 3. Said commission shall have the power to make all necessary rules and regulations pertaining to the segregation, care and control of feeble minded persons, not in conflict with the laws of this state.

Section 4. The county board of insanity in each county shall constitute the county commission under this act and all laws now in force relating to the apprehension, examination, committment, transportation and custody of the insane are hereby extended to the apprehension, examination, committment to the State School and Home for Feeble Minded, transportation of such feeble minded persons and their care and control, provided, that no person shall be committed to the State School and Home for Feeble Minded against his wishes or the wishes of his or her parents or guardian, if there be any such within the State, unless said County Commission shall find that such person is capable of procreation and likely to procreat unless so committed, or shall find that such person is a menace and detriment to the community. Nothing herein, however, shall prevent parents and guardians from voluntarily placing their feeble minded children or wards in the said State School and Home for Feeble Minded.

Section 5. The said state commission shall make a survey of all state institutions and of the state generally to ascertain the persons whom they believe to be feeble-minded in order that said state commis-

sion may make necessary complaints to the county commission. All teachers shall report all feeble-minded children coming to their attention to the state board.

Section 6. There is hereby appropriated, out of any money in the treasury not otherwise appropriated the sum of Eight Thousand Dollars to defray the expense of carrying out the purposes of this act, for the biennium ending June 30, 1923, which money shall be paid upon vouchers approved by the state board of charities and corrections.

Approved March 3, 1921.

Fences

CHAPTER 236.

(H. B. 109.)

DEFINING A LEGAL FENCE.

AN ACT Entitled, "An Act to Amend Section 10537 of the South Dakota Revised Code of 1919, Relating to Legal Fence.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 10537 of the South Dakota Revised Code of 1919 is amended to read as follows:

Section 10537. Legal Fence.] A legal fence shall be:

1. Any fence upon which the owners of such adjoining lands may agree.

2. When such owners do not agree upon a different sort of fence, a legal partition fence shall consist of sound posts at least six and one-half feet long and four inches in diameter, or standard steel posts, and firmly set at least two feet in the earth and not over twenty feet apart. Such posts shall be firmly braced at ends, corners, and gateways or openings, to prevent sagging, and upon them shall be firmly stretched and securely attached to each a woven wire fence thirty-two inches high, the bottom of which shall be firmly stretched even with the ground, which woven wire fence shall be of eight bars, with six inch stays, and wire to be not smaller than No. 10 or No. 13 wire; above such woven wire fence shall be firmly stretched and securely attached to each post at least two strands of ordinary commercial barbed fencing wire, the lower strand to be four inches from the top of such woven wire fence and the upper strand to be sixteen inches from the top of such woven wire fence.

Approved March 1, 1921.

Fines

CHAPTER 237.

(H. B. 266.)

RELATING TO FINES IN CRIMINAL ACTIONS.

AN ACT Entitled, An Act to Amend Section 3619 of the South Dakota Revised Code of 1919, Increasing the Amount of Fine That May be Imposed in Certain Cases.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 3619 of the South Dakota Revised Code of 1919 be amended to read as follows:

Section 3619. Fine May Be Added to Imprisonment.] Upon a conviction of any crime punishable by imprisonment in relation to which no fine is prescribed, the court may impose a fine on the offender not exceeding one thousand (\$1,000.00) Dollars in addition to the punishment prescribed.

Approved March 3, 1921.

Food and Drugs

CHAPTER 238.

(S. B. 84.)

DEFINING ADULTERATED DRUGS.

AN ACT Entitled, An Act to Amend Section 7852 of the Revised Code of 1919 Relating to Adulterated Drugs.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Section 7852 of the Revised Code of 1919 is hereby amended to read as follows:

Section 7852. "Adulterated" Defined.] For the purposes of this article a drug shall be deemed adulterated:

1. If, when sold under or by a name recognized in the United State Pharmacopoeia or National Formulary, it differs from the standard of strength, quality or purity as determined by the test laid down in such Pharmacopoeia or Formulary, at the time of investigation; provided that no drug defined in such Pharmacopoeia or Formulary shall be deemed to be adulterated if the standard of strength, quality or purity be plainly stated upon the bottle, box or other container thereof, although such standard may differ from that determined by the test laid down by such Pharmacopoeia or Formulary.

2. If its strength or purity fall below the professed standard or quality under which it is sold.

3. If the storeroom, prescription case, shelves, containers or utensils used for dispensing drugs are not at all times kept in a clean and sanitary condition.

Approved February 9, 1921.

CHAPTER 239.

(S. B. 39.)

RELATING TO BREAD.

AN ACT Entitled An Act Fixing the Weight of Loaves of Bread to be Sold in this State, Requiring the Sanitary Wrapping of Bread Sold by Bakers for Re-Sale, Requiring Sanitary Shipping Containers and Fixing Penalties.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. It shall be unlawful for any person, firm or corporation engaged in the business of manufacturing bread for wholesale or retail trade or selling bread at wholesale or retail in this state to sell bread based upon any other weights than the following standard avoirdupois weights; namely, a loaf weighing eleven ounces, a loaf weighing one pound, a loaf weighing one pound eight ounces and loaves weighing any multiple of an eight ounce unit. These shall be standard weights for bread to be sold in this state and such bread shall not be sold except of these weights; provided, that loaves weighing twenty ounces may be sold if they be conspicuously labeled on the wrapper in type not smaller than twenty-four point gothic with the following words: "not standard weight loaves, twenty ounces net." For purposes of determining whether bread is made in conformity with the provisions of this act test weights shall be made on bread not less than six hours nor more than thirty-six hours after baking. The Food and Drug Commissioner shall adopt and establish by rules reasonable tolerances or variations within which the weights of the standard loaves as provided herein shall be kept; provided, that such tolerances or variations shall not exceed two ounces per pound under on any one loaf, or one ounce per pound over or under on the average weight per loaf when the bread shall be weighed in lots of twenty-five or more loaves. It shall be the duty of the State Food and Drug Commissioner to enforce the provisions of this Act.

Section 2. It shall be unlawful for any person, firm or corporation to keep or offer for sale or to sell bread unless each loaf of the same shall have been properly wrapped before leaving the bakery where made with a suitable sanitary wrapper; provided that this shall not apply to bread commonly known in the baking industry as hearth bread, when made in loaves of such shape as to make wholesale wrapping impracticable, or to bread manufactured or sold exclusively for hotel and restaurant purposes and not resold by the loaf if such bread be packed in the shop where made in clean and sanitary containers and so delivered to the hotel or restaurant where consumed.

Section 3. It shall be unlawful for any person, firm or corporation to deliver or transport or to deliver for transportation bread except in

clean and sanitary vehicles or containers. Every box, basket, hamper or other container in which bread is shipped or delivered, except new one-service corrugated straw-board or other suitable sanitary one-service containers, to be used once only, shall be completely lined with clean new paper every time such container is packed with bread for delivery or shipment in such manner as may be necessary to protect the bread contained therein from dust during delivery or shipment. Every empty box, basket, hamper or other shipping container for bread, except one-service containers, shall be promptly returned by the consignee to the owner and no such container shall be placed or be permitted to remain in any place where it is subject to unclean or filthy contamination or to use as a receptacle for offal or waste of any kind.

Section 4. Any person, firm or corporation that shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) and each days continuance of any practice, act or condition prohibited herein shall constitute a separate offense within the meaning of this act.

Approved March 12, 1921.

CHAPTER 240.

(H. B. 139.)

RELATING TO STATE FOOD AND DRUG COMMISSIONER.

AN ACT Entitled, An Act to Amend Section 7791 of the South Dakota Revised Code of 1919, Relating to the Appointment, Bond, Term of Office and Salary of the State Food and Drug Commissioner.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 7791 of the Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 7791. Commissioner, Appointment, Bond.] The State Food and Drug Department shall be in charge of the food and drug commissioner, whose term of office shall be two years, commencing on the first day of July in each odd-numbered year, and who shall be appointed by the governor, by and with the consent of the senate; vacancies occurring in such office for any cause shall be filled by appointment by the governor for the unexpired term; the salary of such commissioner shall be thirty-six hundred dollars per annum; before entering upon the discharge of his duties such commissioner shall take the constitutional oath of office and execute an official bond in the penal sum of five thousand dollars, with sufficient sureties, to be approved, filed and recorded as other official bonds, conditioned only for the faithful performance of his duties as such commissioner and for the payment of all money due from him to the state, but only the state shall have the right to maintain a suit upon such bond; the University of South Dakota shall furnish the necessary room, heat, light and janitorial service for such department, free of charge, and the appliances of its laboratory may be used by such department by replacing material consumed.

Approved March 1, 1921.

CHAPTER 241.

(S. B. 6.)

RELATING TO LICENSE FOR HOTELS, RESTAURANTS, ETC.

AN ACT Entitled, An Act to Amend Section 7825 of the South Dakota Revised Code of 1919, Relating to License for Hotels, Restaurants and Rooming Houses.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 7825 of the South Dakota Revised Code of 1919, be, and the same is hereby amended so as to read as follows:

Section 7825. License.] On or before the first day of July, in each year, every person engaged or engaging in the business of conducting a hotel or restaurant, or both, or a rooming house, shall make application for a license for each hotel, rooming house or restaurant, so conducted or proposed to be conducted; provided, that one license shall be sufficient for each combined hotel or restaurant where both are conducted in the same building, and under the same management. Such license shall expire on the thirtieth day of June in each year. Such license must be posted in a conspicuous place in the office or lobby of hotels, restaurants, lunch rooms, and rooming houses.

The application for a hotel or rooming house license shall be accompanied by a statement showing the maximum rates per day to be charged for each room in such hotel or rooming house, to the guests when occupied by one guest, by two guests, by three guests or more. The maximum rates to be charged, and shown on the statement accompanying the application, shall be the bona fide price charged and collected for said rooms. The rate per day for each room, after it has been approved, shall be posted on a card on the inside of the entrance door of such room in type of such size and dimension sufficiently large to be easily read, which card shall also show the date when the rate was established and approved by the inspector. The prices so established, approved and posted shall not be increased until the manager of the hotel or rooming house shall have given the inspector sixty days notice in writing of his intention to so increase the said price, stating the amount he proposes to charge and the reason for making a change or increase, and until he shall have received permission from the said inspector to increase the rates. Provided that nothing herein shall be construed to prohibit the proprietor of any hotel or rooming house from making reduced rates, below the posted rates, for one or more individuals for a period of one week or longer, or making reduced rates by the day for families or special parties of five or more persons. No license shall be transferred without permission of the state food and drug commissioner and in no case more than one such transfer shall be permitted. It shall be unlawful to maintain or conduct any hotel, rooming house or restaurant in this state, without procuring a license therefor, and complying with the provisions of this article.

Approved February 28, 1921.

CHAPTER 242.

(S. B. 83.)

REQUIRING SANITARY CONDITIONS FOR THE PREPARATION, DISTRIBUTION AND SALE OF FOOD PRODUCTS.

AN ACT Entitled, An Act to Prevent the Preparation, Packing, Storing, or Distributing of Food Intended for Sale, or the Sale of Food Under Insanitary, Unhealthful or Unclean Conditions or Surroundings, to Declare That Such Conditions Shall Constitute a Nuisance, to Create a Sanitary Inspection, and to Provide for the Enforcement Thereof.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That every building, room, basement, inclosure or premises, occupied used or maintained as a bakery, confectionery, cannery, bottling works, packing house, slaughter house, creamery, cheese factory, restaurant, hotel, grocery, meat market, or as a factory, shop, warehouse and public place or manufacturing establishment used for the preparation, manufacture, packing, storage, sale or distribution of any food as defined by statute, which food is intended for sale, shall be properly and adequately lighted, drained, plumbed, and ventilated, and shall be conducted with strict regard to the influence of such conditions upon the health of the employees, operatives, clerks, or other persons therein employed, and the purity and wholesomeness of the food therein produced, prepared, manufactured, packed, stored, sold or distributed.

Section 2. The floors, side walls, ceilings, furniture, receptacles, implements and machinery of every such establishment or place where such food intended for sale is produced, prepared, manufactured, packed, stored, sold or distributed, and all cars, trucks, and vehicles used in the transportation of such food products shall at no time be kept or permitted to remain in an unclean, unhealthful and insanitary condition; and for the purposes of this Act, unclean, unhealthful and insanitary conditions shall be deemed to exist if food in the process of production, preparation, manufacture, packing, storing, sale, distribution or transportation is not securely protected from flies, dust, dirt, and as far as may be necessary, by all reasonable means, from all other foreign or injurious contamination; or if the refuse, dirt, or waste products subject to decomposition and fermentation, incident to the manufacture, preparation, packing, storing, selling, distributing, or transportation of such food are not removed daily or if all trucks, trays, boxes, buckets, or other receptacles, or the clutes, platforms, racks, tables, shelves, and knives, saws, cleavers, or other utensils, or the machinery used in moving, handling, cutting, chopping, mixing, canning, or other processes are not thoroughly cleaned daily; or if the clothing of operatives, employees, clerks, or other persons therein employed, is unclean; or if any person, by himself or by his servant or agent, or as the servant or agent of any other person, firm or corporation having custody of a jar, bottle, measure, or other vessel used as a container for any carbonated or non-alcoholic beverage, soda-water, mineral, spring, or distilled water either plain or carbonated, or any other soft drink, so-called, places or causes or permits to be placed therein any offal, kerosene, or other article except waters or beverages as herein enumerated, and chemical agents and water used for cleansing said vessels.

Section 3. The side walls and ceilings of every bakery, confectionery, creamery, cheese factory, and hotel or restaurant kitchen shall be

so constructed that they can be easily kept clean; and every building, room, basement or enclosure occupied or used for the preparation, manufacture, packing, storage, sale or distribution of food shall have an impermeable floor made of cement, tile laid in cement, brick, wood or other suitable material which can be washed clean with water.

Section 4. The doors, windows and other openings of every food producing or distributing establishment shall, during the period from April first to December first of each year, be fitted and equipped with self-closing screened doors and with window screens of wire gauze sufficiently fine to exclude flies, but this requirement shall not apply to warehouses or store-rooms used for storage or handling of finished food products in original title packages.

Section 5. Every such building, room, basement, inclosure, or premises occupied, used or maintained for the production, preparation, manufacture, canning, packing, storage, sale or distribution of such food shall have adequate and convenient toilet rooms, lavatory or lavatories. The toilet rooms shall be separate and apart from the room or rooms where the process of production, preparation, manufacture, packing, storing, canning, selling and distribution is conducted. The floors of such toilet rooms shall be of cement, tile, wood, brick, or other non-absorbent material, and shall be washed and scoured as often as necessary to keep them clean. Such toilet or toilets shall be furnished with separate ventilating flues and pipes discharging into soil pipes or shall be on the outside of, and well removed from the building. Lavatories and wash rooms shall be adjacent to toilet rooms, or when the toilet is outside of the building, the washroom shall be near the exit to the toilet and shall be supplied with soap, clean water and sanitary towels and shall be maintained in a sanitary condition.

Section 6. If any such building, room, basement, inclosure, or premises occupied, used or maintained for the purposes of the aforesaid or if the floors, side walls, ceilings, furniture, receptacles, implements, appliances or machinery of any such establishment, shall be constructed, kept, maintained, or permitted to remain in a condition contrary to any of the requirements or provisions of the preceding five (5) sections of this Act, the same is hereby declared a nuisance, and any toilet, toilet room, lavatory or wash room as aforesaid, which shall be constructed, kept, maintained or permitted to remain in a condition contrary to the requirements or provisions of section five (5) of this Act, is hereby declared a nuisance; and any truck, car or vehicle used in the moving or transportation of any food product as aforesaid, which shall be kept or permitted to remain in an unclean or insanitary condition is hereby declared a nuisance. Whoever unlawfully maintains, or allows or permits to exist a nuisance as herein defined shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished as herein provided.

Section 7. Every person, firm, or corporation operating or maintaining an establishment or place where food is produced, prepared, manufactured, packed, stored, sold or distributed shall provide the necessary cuspidors for the use of operatives, employees, clerks and other persons and each cuspidor shall be thoroughly emptied and washed out daily with water or a disinfectant solution, and five ounces thereof shall be left in each cuspidor while it is in use; provided, that in unheated warehouses boxes of sand or sawdust may be used as cuspidors if they be emptied and refilled each week. Whoever fails to observe the provisions of this section shall be guilty of a misdemeanor and punished as hereinafter provided.

Section 8. No operative, employee or other persons shall expectorate on the floor or on the utensils or on the floors or side-walls of any building, room, basement, or cellar where the production, preparation, manufacture, packing, storing, or sale of any such food is conducted. Operatives, employees, clerks, and all other persons who handle the material from which such food is prepared or the finished product, before beginning work, or after visiting toilet or toilets, shall wash their hands thoroughly in clean water. Whoever fails to observe or violates the provisions of this section, shall be guilty of a misdemeanor and punished by a fine of not more than twenty-five dollars.

Section 9. It shall be unlawful for any person to sleep, or to allow or permit any person to sleep in any work room of a bake shop, kitchen, dining room, confectionery, creamery, cheese factory, or any place where food is prepared for sale, served or sold, unless all foods therein handled are at all times in closed packages.

Section 10. Upon and after receipt of written notice and a copy of this law from the state food and drug commissioner it shall be unlawful for an employer to require, suffer or permit any person who is affected with any contagious or infectious disease to work, or for any person so affected to work, in a building, room, basement, inclosure, premises or vehicle occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution, or transportation of food, and upon complaint the food and drug commissioner may require any person working in any building vehicle or premises covered by the provisions of this act to obtain from a reputable physician a statement showing such person to be free from all contagious or infectious diseases.

Section 11. It shall be the duty of the State Food and Drug Commissioner and those appointed by him to enforce this Act, and for that purpose the State Food and Drug Commissioner and his appointees shall have full power at all times to enter every such building, room, basement, inclosure or premises occupied or used or suspected of being occupied or used for the production, preparation or manufacture for sale, or the storage, sale, distribution or transportation of food; to inspect the premises and all utensils, fixtures, furniture and machinery, used as aforesaid. If upon inspection any such food producing or distributing establishment, conveyance, or any employer, employee, clerk, driver or other person is found to be violating any of the provisions of Act, or if the production, preparation, manufacture, packing, storage, sale, distribution or transportation of such food is conducted in a manner detrimental to the health of the employees, and operatives, or to the character or quality of the food therein being produced, manufactured, packed, stored, sold, distributed or conveyed, the officer or inspector making the inspection or examination shall report such conditions and violations to the State Food and Drug Commissioner. The State Food and Drug Commissioner or his Deputy shall thereupon issue a written order to the person, firm, or corporation, responsible for the violation or condition aforesaid to abate such condition or violation or to make such changes or improvements as may be necessary to abate them, within such reasonable time as may be required in which to abate them. Notice of such order may be served by delivering a copy thereof to said person, firm, or corporation or by sending a copy thereof to said person, firm, or corporation or by sending a copy thereof by registered mail, and the receipt thereof through the post office shall be prima facie evidence that notice of said order has been received. Such person, firm or corporation shall have the right to appear in person or by

attorney before the State Food and Drug Commissioner or the person appointed by him for such purpose, within the time limited in the order, and shall be given an opportunity to be heard and show cause why such order or instructions should not be obeyed. Such hearings shall be under such rules and regulations as may be prescribed by the State Food and Drug Commissioner. If after such hearing it shall appear that the provisions of this Act have not been violated, said order shall be rescinded. If it shall appear that the requirements or provisions of this Act are being violated, and that the person, firm or corporation notified as aforesaid is responsible therefor, said previous order shall be confirmed or amended as the facts shall warrant, and shall thereupon be final, but such additional time as necessary may be granted within which to comply with said final order. If such person, firm or corporation is not present or represented when such final order is made, notice thereof shall be given as above provided. On failure of the party or parties to comply with the first order of the State Food and Drug Commissioner within the time prescribed, when no hearing is demanded, or upon failure to comply with the final order within the time specified, the State Food and Drug Commissioner shall certify the facts to the State's Attorney of the county in which such violation occurred, and the State's Attorney shall proceed against the party or parties for the fines and penalties provided by this Act, and also for the abatement of the nuisance, provided that the right of injunction shall not be invoked for the abatement of nuisances under this Act and, provided, that the proceedings herein described for the abatement of nuisances as defined in this Act shall not in any manner relieve the violator from prosecution in the first instance for every such violation, nor from the penalties for such violation prescribed by section thirteen of this Act.

Section 12. The possession of any foods or any material to be used in the preparation of foods, served or otherwise sold, by any store, baker, restaurant, hotel, market, lunch room, bottling works or other places where foods are produced, manufactured, stored, packed, served or sold shall be prima facie evidence that such foods or materials to be used in the preparation of food are kept for use or sale in such establishment. Foods which are obviously unfit for consumption or which consist in whole or in part of filthy, decomposed or putrid animal or vegetable substance must not be sold or used in the preparation of food for sale or serving, even though the dealer may possess a guaranty from the manufacturer or jobber as provided in Section 7810 of the Revised Code of 1919.

Section 13. Whoever violates any of the provisions of this Act, or who refuses to comply with any lawful order or requirement of the State Food and Drug Commissioner, duly made in writing as provided in section eleven of this Act, shall be guilty of a misdemeanor and on conviction shall be punished for the first offense by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) and for the second and subsequent offenses by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), or by imprisonment in the county jail for not more than thirty days, or both such fine and imprisonment, in the discretion of the court, and each day after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate such conditions as ordered by the State Food and Drug Commissioner, as aforesaid, shall constitute a distinct and separate offense.

Section 14. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 12, 1921.

Game and Fish

CHAPTER 243.

(S. B. 21.)

RELATING TO HUNTING BY ALIENS.

AN ACT Entitled An Act Relating to Hunting by Aliens, Prohibiting Aliens from Hunting Except Subject to the Laws Relating to Hunting by Non-Residents, Prohibiting Any Alien from Owning or Having in His Possession Any Firearm, Except for the Purpose of Hunting as a Non-Resident, and Declaring Firearms and Birds and Animals Had in Possession in Violation of This Act Contraband, and Providing a Penalty Therefor.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. No person who is an alien and who has not duly declared his intention of becoming a citizen of the United States nor one who, having duly declared his intention to become a citizen and having failed to qualify as a citizen within the length of time in which he may legally do so, shall take any wild animal or wild bird in this State except in defense of person or property; providing that such persons may take wild birds and animals subject to the laws relating to taking thereof by non-residents. No person shall own or have in possession any shot gun, rifle or other firearm, except for the purpose of hunting as a non-resident. Guns, firearms, wild animals and wild birds had in possession in violation of this section are declared to be contraband, and same shall be disposed of as provided by Section 10459 of the Revised Code of 1919. Provided the provisions of this act shall not apply to minor children of an alien who has declared his intention of becoming a citizen of the United States.

Section 2. Any person violating this Act shall be punished by a fine not exceeding One Hundred Dollars or by imprisonment not exceeding thirty days or by both such fine and imprisonment.

Approved January 29, 1921.

CHAPTER 244.

(H. B. 305.)

RELATING TO HUNTING BIG GAME.

AN ACT Entitled, An Act to Amend Sections 10503 and 10504 of the South Dakota Revised Code of 1919, Relating to Big Game.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 10503 of the South Dakota Revised Code of 1919, be and the same is hereby amended to read as follows:

Section 10503. It shall be unlawful to hunt, shoot at, kill, wound or capture any antelope, wild buffalo, elk or mountain sheep within the limits of this state at any time, except as otherwise provided. The

state game and fish commission may, in its discretion, permit the catching, taking or killing of elk when deemed advisable for the proper protection and propagation of the same or for the protection of settlers against depredations by such animals.

Section 2. That Section 10504 of the South Dakota Revised Code of 1919, be and the same is hereby amended to read as follows:

Section 10504. Any person violating the provisions of the preceding section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than two hundred nor more than five hundred dollars, and by imprisonment in the county jail not exceeding three months for each offense.

Approved March 12, 1921.

CHAPTER 245.

(S. B. 70.)

RELATING TO HUNTING DEER.

AN ACT Entitled An Act to Amend Section 10481 of the Revised Code of 1919 of the State of South Dakota, Relating to the Hunting and Killing of Big Game.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 10481 of the Revised Code of 1919 of the State of South Dakota, relating to big game, be, and the same is hereby amended to read as follows:

Section 10481. It shall be unlawful for any person to pursue, hunt or kill by any means or device, any deer at any time except during the period beginning at sunrise November 1st and closing at sunset of November 30th, both inclusive, of each year, within the boundaries of this State; and, provided further, that it shall be unlawful during said open season to hunt or kill any deer except a buck deer. It shall be unlawful for any person during such open season or at any time, to maintain any salt lick or to place any salt in any place for the purpose of enticing deer thereto, or to construct, occupy or use any screen, blind elevated scaffold or other device for the purpose of hunting, watching for or killing deer at such salt lick.

Approved March 1, 1921.

CHAPTER 246.

(S. B. 63.)

RELATING TO DEPUTY WARDENS.

AN ACT Entitled, An Act to Amend Section 10434 of the South Dakota Revised Code of 1919, as Amended by Chapter 215, Session Laws of 1919, Relating to Deputy Wardens.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 10434 of the South Dakota Revised Code of 1919, as amended by Chapter 215, Session Laws of 1919, be and the same is hereby amended to read as follows:

Section 10434. Deputy Wardens.] Such commission shall have authority to employ such deputies as they deem necessary to enforce the game and fish laws of the state, and to fix the compensation to be received by such deputies, which compensation shall not exceed Two Thousand Dollars per year, in addition to their necessary hotel and traveling expenses. Such commission may also employ an attorney to prosecute violators of the game and fish laws when deemed necessary. Whenever an emergency exists the state game warden may, in his discretion, appoint other deputy game wardens without compensation. All United States and state foresters shall be ex-officio deputy game wardens without compensation. All wardens serving without compensation shall have such powers as are granted to wardens receiving compensation from the state but they shall not be required to give bonds. All wardens who receive pay from the state shall be familiar with the game laws of the state, shall be of good moral character, shall be employed regardless of party affiliations, shall hold office during the pleasure of the commission, and shall, when so directed by the commission, aid and assist in the destruction of all predatory animals. Each deputy state game warden shall execute a bond to the state, in the penal sum of one thousand dollars, to be approved, recorded and filed as the official bonds of other state officers, conditioned for the faithful performance of his duties.

Approved March 1, 1921.

CHAPTER 247.

(S. B. 18.)

RELATING TO RESIDENT HUNTER'S LICENSE.

AN ACT Entitled, An Act to Amend Section 10463 of the South Dakota Revised Code of 1919, Relating to Resident Hunter's License.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Section 10463. Resident Hunter's License.] Every resident of this state is prohibited from hunting, taking or killing any game bird unless he shall first have procured a license therefor as provided in this article. Every county treasurer shall, upon application, issue to each person, under his hand, upon blanks to be furnished by the state game warden, a license to hunt game birds within this state upon payment to him of a license fee of one dollar, which license shall expire on the thirtieth day of June following its issuance. Every such applicant shall prove to the satisfaction of the county treasurer that he is a bona fide resident of this state and shall state under oath his name, residence and postoffice address. Only one such license shall be issued to any person and it shall not be transferable, and it shall be the duty of such licensees to exhibit the same to any person upon request. All licenses shall describe the licensee and designate his place of residence; provided, that any person may hunt upon his own land without a license during the open season; provided, further, that nothing in this article shall be construed to prevent any resident of this state from personally carrying with him as baggage, on any train or conveyance, any game birds or fish which may be legally in his possession, and any common carrier shall be permitted to carry such game birds or fish, as baggage,

when the same is accompanied and carried on the same train or conveyance by the person who is legally in possession of the same; and provided, further, that nothing contained in this chapter shall be construed to permit employees of any common carrier to carry any such game birds or fish, or parts thereof, with them, whether as baggage or otherwise, while engaged in the performance of the duties of their employment and they are specifically prohibited from so doing. It is further provided that no person shall be entitled to a resident hunter's license unless he shall have lived in the state at least six months preceding the time of making application for such license, and shall be over the age of fifteen years unless the license shall be applied for by the parent or guardian of a child under said age.

In lieu of the resident hunter's license hereinbefore provided for, the state game warden may, in his discretion, issue to residents of this state a special small game hunter's license, upon the payment of a license fee of three dollars (\$3.00), which special license shall entitle the holder thereof to all the privileges mentioned in the foregoing paragraph and in addition thereto shall entitle the holder of said special license to ship anywhere within the state not to exceed fifty (50) birds to an address or addresses to be specified in said license. Such special license may be issued upon application to be made to the state game warden in such form as the warden may prescribe, and said license may have attached thereto a limited number of certificates or coupons, each of which shall entitle the owner of said license to ship a designated number of birds, as aforesaid, and said coupons attached to such shipment shall be sufficient to authorize any common carrier to receive and transport game in accordance with its terms.

Approved March 11, 1921.

CHAPTER 248.

(H. B. 93.)

ESTABLISHING THE THEODORE ROOSEVELT GAME REFUGE.

AN ACT Entitled, An Act to Create and Establish the Theodore Roosevelt Game Refuge and to Regulate and Prohibit the Hunting or Killing of Game Therein and to Provide Certain Penalties.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. For the better protection of birds and animals and the establishment of breeding places therefor, the following area within the State of South Dakota is hereby set aside, designated and established as a State Game Refuge: All that portion of the State of South Dakota embraced within the following described boundary, which area shall constitute and be known as The Theodore Roosevelt Game Refuge:

Beginning at a point on the north boundary of the Black Hills National Forest at the northwest corner of Section Nineteen (19), Township Six (6) North, Range One (1) East, Black Hills Principal Meridian and base; thence east along the National Forest Boundary to the northeast corner of Section twenty-four (24), Township six (6) North, Range one (1) East; thence south to the southeast corner of Section twenty-four (24), Township six (6) North, Range one (1) East; thence east to

the northeast corner of Section twenty-six (26), Township six (6) North, Range two (2) East; thence south to the southeast corner of Section thirty-five (35), Township Six (6) North, Range Two (2) East; thence east to the southeast corner of Section thirty-five (35), Township Six (6) North, Range Three (3) East; thence south to the southeast corner of Section Two (2), Township Five (5) North, Range Three (3) East; thence east to the intersection of the National Forest boundary with Whitewood Creek; thence southwesterly following Whitewood Creek to the junction of Whitewood Creek and Deadwood Creek; thence southwesterly following the highway from Deadwood to Trojan to the northeast corner of Section Thirty-six (36) Township Five (5) North, Range Two (2) East; thence westerly along the section line to the top of the canyon wall on Spearfish Creek; thence following a southerly and easterly direction along the crest of the east canyon wall to the Cheyenne Crossing; thence following a southerly and westerly direction along the crest of the south canyon wall to the intersection with the township line between Townships three (3) and four (4) North, Range two (2) East; thence west along the township line to the South Dakota-Wyoming State Line; thence north following the state line to the place of beginning.

Section 2. It shall be unlawful for any person or persons at any time to hunt, trap, kill, capture or pursue any birds or animals of any kind or description whatever, except as herein provided, within the limits of the Theodore Roosevelt Game Refuge; Provided, that the penalties of this act shall not apply to the killing, capture or destruction of any mountain lion, wolf, fox, coyote, lynx, or wildcat or any bird or animal not protected by the laws of the State of South Dakota; and provided, it shall be unlawful for any person to hunt, trap, kill, capture or pursue any of the above excepted animals or birds within said refuge without a permit from the State Game Warden.

Section 3. Upon application by any person, the State Game Warden may, in his discretion, upon the payment of Three Dollars (\$3.00) to the State Game Department, grant a permit to such person to hunt, kill, trap, capture, or pursue any of the animals or birds excepted by the provisions of Section 2 hereof.

Section 4. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined the sum of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00), or shall be imprisoned in the county jail for a period of not less than Three (3) months or more than One (1) year; or both such fine and imprisonment in the discretion of the court.

Approved February 21, 1921.

Guardians

CHAPTER 249.

(H. B. 124.)

RELATING TO SALE OF REAL ESTATE BY GUARDIANS.

AN ACT Entitled, An Act to Amend Section 3536 of the Revised Code of 1919, Relating to Notice Required in Proceedings for Sale of Real Estate by Guardians.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 3536 of the Revised Code of 1919 of the State of South Dakota, be amended to read as follows:

Section 3536. Notice Required.] A copy of the notice of application to sell must be personally served on the ward if fourteen years of age or over, except when adjudged insane or incompetent, and on the next of kin of the ward, resident in the state, and on all persons directed to be served by the court.

Approved February 9, 1921.

Highways

CHAPTER 250.

(H. B. 57.)

RELATING TO ACCESS TO HIGHWAYS IN CASE OF DRAINS OR ELEVATIONS.

AN ACT Entitled, An Act Requiring State, County and Township Authorities to Provide Abutting Land Owners With Means of Access to the Public Highways.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. In the construction, improvement and repair of any public highway by the state, or by any county or township, where the work of construction or repair shall be of such character as to leave a ditch or elevation along the roadside and thereby to deprive any abutting landowner of easy and convenient access from his land to such highway, it shall be the duty of the highway authorities to provide the owner of each abutting tract or farm as well as each church, school, park, playground or other public building or ground with one point of easy and convenient access to a public highway by constructing, at the public expense, such grades, approaches, bridges, culverts or other structures as may be necessary for that purpose; such approaches shall be built by the proper authorities constructing the highway in all cases where the building of such approach becomes necessary as a result of

highway construction: and such approaches shall be built by the county or township charged with the maintenance of such highways. In all other cases any such structure, culvert, bridge or approach so constructed shall thereafter be maintained and kept in repair by the highway authorities who are charged with the maintenance of such highway. Provided, that no such connecting structure or approach shall be constructed by the highway authorities upon private property nor beyond the right-of-way line.

It is hereby further provided that if such abutting landowner deems it necessary to have more than one farm entrance as herein referred to, such farm entrance may be constructed by said landowner at his expense by such methods of construction and size and quality of drainage structure as to give the proper and necessary drainage, and shall be approved of by the authorities having charge of the maintenance of such highway.

Approved March 1, 1921.

CHAPTER 251.

(H. B. 355)

RELATING TO ELECTRIC WIRES ACROSS.

AN ACT Entitled, An Act Regulating the Stringing of Telephone, Telegraph and Electric Wires Across Public Highways.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. It shall be unlawful for any person, firm, association or corporation owning or operating any telephone, telegraph or electric line, or any part of such line in this state to extend any telephone, telegraph or electric wire, any part of which shall be less than eighteen feet from the ground, over or across any public highway. No such person, firm, association or corporation shall be entitled to collect damages from any person who shall cut, break, remove or otherwise destroy any such telephone, telegraph or electric wire over or across a public highway if any part of the same is at any time less than eighteen feet from the ground; Provided, that nothing contained in this act shall be construed to exempt anyone owning or operating any telephone, telegraph or electric line in this state from liability for any damage or injury which anyone may sustain by reason of the faulty or negligent construction or maintenance of such telephone, telegraph or electric line. Any person, firm, association, or corporation owning operating any telephone, telegraph or electric line in this state who shall wilfully construct any telephone, telegraph or electric wire over or across any public highway in this state, any part of which shall be less than eighteen feet from the ground, shall upon conviction be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail not exceeding thirty days.

Section 2. All acts, or parts of acts, in conflict with the provisions of this Act are hereby repealed.

Approved March 12, 1921.

CHAPTER 252.

(H. B. 218.)

RELATING TO HIGHWAY SIGNS.

AN ACT Entitled, An Act Prohibiting the Molestation of Official Signs and Marks Upon or Along Public Highways and Providing Penalties Therefor.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. It shall be unlawful for any person to deface, obliterate, remove or in any manner molest or interfere with any road sign, mile-age post or directing device placed upon the Highways of this State under the direction or by permission of the Highway Authorities of the State or of the United States, under whose jurisdiction said road is placed by law. Any person found guilty of violating the foregoing provisions shall be deemed guilty of a misdemeanor.

Provided, that this Act shall in no wise affect the provisions of Section 53, Chapter 333, Session Laws of 1919.

Approved February 28, 1921.

Holidays

CHAPTER 253.

(S. B. 5.)

ESTABLISHING LEGAL HOLIDAYS.

AN ACT to Amend Section 21 of the Revised Code of 1919 Pertaining to Public Holidays.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 21 of the Revised Code of 1919 is hereby amended to read as follows:

Section 21. Legal Holidays, No Civil Process Served.] The first day of every week, known as Sunday; the first day of January, commonly known as New Years Day; the twelfth day of February, the anniversary of the birthday of Lincoln; the twenty-second day of February, the anniversary of the birthday of Washington; the thirtieth day of May, commonly known as Memorial day; the fourth day of July, commonly known as Independence Day; the first Monday in September, commonly known as Labor Day (unless some other day should be appointed by the governor); the eleventh day of November, commonly known as Armistice day; the twenty-fifth day of December, commonly known as Christmas day; and every day on which an election or primary election is held throughout the state and every day appointed by the president of the United States, or by the governor of this state for a public fast, thanksgiving or holiday, shall be observed in this state as a legal holiday. Aside from Sundays, the observance of which is provided for in title 4, no public business, except in case of necessity, shall be transacted on any one of the said days, and no legal process in civil cases shall be served on any of said days.

Approved January 29, 1921.

Home Building Department

CHAPTER 254.

(H. B. 315.)

CREATING THE STATE HOME BUILDING DEPARTMENT.

AN ACT Entitled, An Act Creating a State Home Building Department, Defining its Powers and Duties, Providing for the Loaning of Money and Extending of Credit to the People of the State Upon Real Estate Security for the Purpose of Assisting in the Building of Homes by the People of this State, Authorizing the State to Borrow Money on Bonds and Warrants Secured by the Good Faith and Credit of the State for Such Purposes, and Providing for and Establishing and Maintaining Said System of Credits and Providing for the Necessary Officers and Employees, Their Compensation, Expenses and Supplies.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. A State Home Building Department is hereby created to be controlled and managed by the Rural Credit Board hereinafter referred to as the Board. Such board shall perform the duties imposed upon it by this act, in addition to those which it already possesses, and the business of this department shall be separate and distinct from all its other business.

Section 2. Such department shall be maintained for the purpose of loaning money and extending credit to the people of this state upon real estate security, to be used in the building of homes in the manner and upon the terms and conditions provided by this act.

Section 3. The board may employ with the approval of the Governor, such officers, assistants, clerks, and employees as may be necessary to conduct the business of this department, and shall have power to define their duties and fix the bond and compensation of each; the board may also provide the necessary fixtures, stationery and supplies.

Section 4. The principal officer employed by the board for this department shall be known as the Home Building Commissioner who shall be the custodian of all property received by this department except such as is placed in the hands of the Treasurer.

The said commissioner shall keep an accurate account of all the proceedings and transactions of the department, shall execute all checks, make all reports, requisitions and statements and perform all the other duties that may be required of him by the board.

Section 5. The board is hereby authorized to borrow money and to issue and dispose of warrants and bonds payable by the state as follows:

A. Such bonds and warrants shall be executed in the name and on behalf of the state and shall be signed by the Governor, the Rural Credit Commissioner and the Treasurer of the board and shall be attested by the Secretary of State with the Great Seal of the State. The bonds and warrants so issued shall in no case exceed the sum of five hundred thousand dollars (\$500,000.00) during any biennial period, the first of which shall end on December 31st, 1922. They shall be issued in such denominations as the board may determine and in any event not less than one hundred dollars (\$100.00), and bear such rate of interest as shall be fixed by the board, payable annually or semi-annually. The board shall fix the date or dates on which such bonds and warrants

shall become due and payable; they shall run for specific minimum and maximum periods and be subject to payment and retirement at the option of the board at any time after five years from date of their issue. Principal and interest shall be payable at a place designated by the board.

B. The form of said warrants and bonds shall be such as the board may prescribe, and shall bear as an imprint across the face thereof the words "Home Building Bonds of South Dakota," and they shall be negotiated by the board in such manner as it may deem expedient, provided, however, that no bond shall be sold for less than its par value.

Section 6. All personal property, mortgages, notes or other evidences of debt acquired or held by this department shall be held in trust for the payment of money borrowed by this State for the purpose of establishing and maintaining this system of credits, and shall never be diverted to any other purposes; provided that such board may invest and re-invest the proceeds of the same in first mortgage loans as provided by this act when not required for immediate payment of warrants or bonds or interest.

Section 7. The whole amount of bonds and warrants outstanding at any time shall never exceed by more than five per cent the total amount of cash on hand and in banks, and mortgages then held and in the possession of such board computed at their face value, and exclusive of the reserve fund provided for by this act.

Section 8. If at any time there shall not be sufficient funds in the treasury to pay such bonds or warrants or interest thereon at maturity, or when the same shall become due it shall be the duty of the Tax Commission upon request of such board forthwith to levy a tax upon all taxable property of the state to pay the same when due, which tax shall be extended and collected in the same manner as other taxes. Whenever such tax shall have been levied, it shall be the duty of the State Auditor upon request of the board to issue his warrant or warrants as such board may direct, bearing interest not to exceed seven per cent per annum and to register the same drawn upon the fund to be derived from such special levy, in an amount which, with the interest provided for in such warrant, will not exceed the amount that will be realized from such levy, and deliver the same to such board and such warrants may then be sold by the board.

Section 9. All money derived from such special levy or from the sale of special warrants issued thereon shall be placed in a special fund to be designated as "Home Building Interest and Sinking Fund" and shall be used only for the payment of bonds, warrants and interest thereon as the same become due. All the money derived from such special levy is hereby appropriated for the payment of warrants drawn on such fund, and for the payment of any bonds or warrants drawn on such fund, and for the payment of any bonds or warrants, or interest thereon, at maturity.

Section 10. All the proceeds from the sale of bonds or warrants issued by the board and all receipts of the board for this department whether from payment of loans, interest or from whatever source except as provided in the preceding section and also except as to the reserve hereinafter provided for, shall be reported in detail and paid into the state treasury monthly or oftener and credited to a special fund to be designated as the "Home Building Fund," to be used and expended by the board for the purposes authorized by this act.

Section 11. The State Treasurer shall be the treasurer of this department. He shall perform all the duties of such office and be

subject to such regulations as may be adopted by the board for this department, and which shall not be inconsistent with his official duties. He and his surties shall be liable on his official bond for the faithful discharge of such duties. The treasurer shall have authority to receive and receipt for all moneys arising from any source under the provisions of this act. He shall keep separate accounts of the several funds provided for by this act. At once, on receiving money from any source, he shall notify the Home Building Commissioner of the amount, the source from which received and the fund to which credited. Disbursements from all funds belonging to this department shall be made by the Treasurer upon the order of the Home Building Commissioner. Such order shall be issued only upon itemized and verified vouchers approved by the board. It shall be the duty of such Home Building Commissioner and Treasurer, at least every thirty days, to file in the office of the State Auditor a verified and itemized account of all disbursements showing the persons to whom the money has been paid, the amount of each payment and for what purposes, and the cancelled vouchers upon which such money was disbursed shall be filed in the office of the State Auditor in like manner. Such accounts shall show the balance on hand at the time such account is rendered.

Section 12. Funds of this department shall be subject to the provisions of Sections 6872 to 6887 inclusive of the Revised Code of 1919, the same as other funds in the state treasury except that interest earned thereon shall be credited to the "Home Building Fund."

Section 13. The difference between the rate of interest paid by the state for money borrowed, and the interest received by the state for money loaned shall be not to exceed one and one-half per cent. One-half of one per cent thereof shall be placed in a separate fund to be designated as the "Home Building Expense Fund." All salaries and expenses of officers and employees, and all other necessary expenses of the department in transacting its business shall be paid from this fund. Provided, however, that any appropriation which may be made by the legislature for these purposes shall be placed in this fund.

The remainder of such excess interest shall, when collected, be deposited by the State Treasurer in a separate fund to be designated the "Home Building Reserve Fund" and shall be used for the purpose of reimbursing cities and towns for losses under the provisions of this act, and the reserve fund belonging to any city or town shall never be used to reimburse any other city or town for losses, nor shall it be diverted to any purpose other than that authorized by this section, even temporarily.

Section 14. The loans authorized by this act shall be made upon the following terms and conditions:

A. The applicant must be a resident of this state, the head of a family and must be the owner in fee simple of the lot upon which the home is to be built, which lot must be within the limits of a city or town within this state and must be free and clear of all incumbrances; provided, however, that special assessments for city improvements payable in installments shall not be considered incumbrances within the meaning of this section.

B. The amount loaned to any one borrower shall never exceed four thousand dollars (\$4,000.00) and the total amount loaned to husband and wife shall in no case exceed that sum. Sale of the property upon which loan has been obtained shall not make the borrower eligible for a new loan until his former loan has been fully paid.

C. No loan under this act shall be for an amount exceeding eighty per cent (80%) of the cost of building the home. This cost shall include the total expense of completing the structure, including foundation and basement, heating, lighting, plumbing, decorating and all permanent fixtures. The applicant shall possess the other twenty per cent (20%) of the cost of construction in cash, which amount must be paid to the city or town Treasurer within five days after date of approval of loan by Board, and be placed in municipal Home Building Fund provided in this act.

D. Each loan shall be secured by a first mortgage upon the real estate on which the home is to be constructed. Loans shall be payable in not more than 12 years and shall bear interest at a rate which shall be not to exceed one and one-half per cent ($1\frac{1}{2}\%$) above the rate paid by the board on the money borrowed for the purpose of this act.

E. The mortgagor shall agree to pay all taxes and assessments that may be levied upon said premises, before the same shall become delinquent, and to keep the buildings upon said premises safely insured for the benefit of the State in a sum equal to the total amount due under the mortgage at all times, against loss by fire, lightning and tornado, and deliver such insurance policies to the board. In case of the mortgagor's failure to pay said taxes or assessments before the same become delinquent, or to pay the premiums for insurance on said buildings, such payments may be made by the board and the amount so paid with interest at the rate of eight per cent from date of payment shall be added to and deemed a part of the money secured by said mortgage. The mortgagors shall relinquish all their rights of homestead in the premises and warrant that they are the owners in fee of said premises and that the same are free of all incumbrances except as to special assessments payable in installments as provided by subdivision "A" hereof. In case of default in the payment of the principal sum of money or any part thereof or interest thereon at the time or times specified for payment thereof in the mortgage, or in case of non-payment of any taxes, assessments, or insurance as provided for in the mortgage, or in case of breach of any covenant or agreement contained therein, then and in either case the whole principal and interest of said note shall at the option of the board, immediately become due and payable and said mortgage may be foreclosed by action or by advertisement as provided in Title Two of the Revised Code and the foregoing provisions which shall be contained in said mortgage, shall be deemed as authorizing and constituting a power of sale as provided in said Title and any act amendatory thereof.

F. Such mortgages shall be in the form prescribed by Section 1566, Revised Code, to which the board may add any other terms and conditions which they may deem to be in the interest of the state. In case of foreclosure, the period of final redemption shall be three months.

G. For the purpose of determining the amount of Insurance that shall be required for the protection of the state during the course of construction, the amount due under the mortgage shall be deemed to be the amount that has been advanced from time to time upon estimates as hereinafter provided. The standard mortgage clause, with full contribution, shall be attached to all policies.

Section 15. Applications for such loans shall be made upon forms to be prescribed by the board and shall contain all of the information required by the board. It must appear therefrom that the applicant has no understanding or agreement for the sale of the property, and, that the loan is desired for the benefit of himself and his dependents and

for no one else. Such applications shall be filed in the office of the City Auditor or Town Clerk of the municipality in which the property offered as security is located and upon which the home is proposed to be built. When such application is filed it shall be the duty of the governing body of said city or town to make or cause to be made a written appraisal of the property, and a report upon the applicant and the nature and cost of the proposed structure upon forms to be provided by the board. Such reports shall contain the information required by the board. Upon the filing of such appraisal and report the governing body of the city or town shall consider the same and if it shall appear to them that the applicant has complied with all the provisions of this act and with the rules and regulations adopted by the board, and if it shall further appear to such governing body that the interests of the public and the applicant require that the loan be granted it may be approved by them, but in all cases rejection of the application for loan under this act by the governing body shall be final. No applications for loans under this act shall be approved by the governing body of any city or town until a resolution consenting to the liabilities and responsibilities of the city or town hereunder and accepting the benefits of this act by and on behalf of the people of such city or town has been regularly adopted by the governing body and become effective.

Section 16. Whenever any application for loan has been approved by the governing body of the city or town, a copy of such application, duly certified by the City Auditor or Town Clerk, shall be forwarded to the board with the appraisal and report thereon. If the board shall approve such loan the commissioner of this department shall make an entry to that effect upon the minutes of the board and shall so notify the City Auditor or Town Clerk who shall in turn notify the applicant of such approval.

As soon as the note, mortgage and abstract, showing merchantable title, are received by the board the Commissioner shall forward to the city Auditor or Town Clerk his check for the amount of the loan. The amount thereof shall be deposited by the Auditor or Clerk with the city or town treasurer, who shall keep it in a separate fund known as the "Home Building Fund" and same shall not be devoted to any other purpose. Payments shall be made therefrom to cover the cost of constructing the home upon estimates filed and approved by the governing body of the city or town. Such estimates shall be first approved by the contractor or other person in charge of the construction and at no time shall the amount so paid during the course of construction exceed eighty per cent (80%) of the labor and materials used and furnished.

Section 17. Principal and interest on all loans shall be payable in monthly installments according to notes secured by the mortgages provided for by this act. It shall be the duty of the City Auditor and Town Clerk to collect and receive all payments upon loans made under the provisions of this act and to remit all collections to the Home Building Commissioner with statements of the amounts received in principal and interest separately and the name of the persons making such payments. They shall perform such other duties as may be required of them by the board for the purpose of carrying out the provisions of this act.

Section 18. In case of default in any of the conditions of said mortgage, and foreclosure thereof shall be deemed necessary, the board shall notify the State's Attorney of the county in which such real property is situated and it shall then be the duty of said States Attorney to

foreclose such mortgage by action or by advertisement in the manner provided by law for the foreclosure of mortgages upon real property. If no other person shall bid the full amount due upon such mortgage at the foreclosure sale, together with the costs and expenses of sale, the Auditor or Clerk of the city or town in which the property is situated, shall bid the land in, in the name of the city or town for the full amount due thereon together with costs of foreclosure. The full amount due on the certificate of sale at the date of the execution thereof by the sheriff, shall be paid to the sheriff by such city or town by warrant on its general fund and the amount thereof shall be remitted by the sheriff to the State Treasurer and by him credited to the Home Building Fund. If the property is not redeemed from such sale within the time provided by this act the sheriff's deed thereon shall be issued to such city or town which shall then become the owner of the land and such property may thereafter be sold by the city and the proceeds of such sale paid into the city treasury. In case the city shall fail or refuse to pay the said board the amount due on the certificate of sale as above provided the Tax Commission is hereby authorized to levy a special tax upon all of the assessable property within such city or town sufficient to pay the amount due on such certificate of sale, together with interest and costs, which tax shall be collected as other taxes and when paid into the County Treasurer shall be remitted to the said State Treasurer by the County Treasurer.

Section 19. All mortgages accompanied by the promissory notes and abstracts shall be safely kept in the custody of the Home Building Commissioner of this department. Satisfactions of mortgages shall be executed by the Commissioner and attested by the Secretary of the board and the seal of the board shall be attached thereto. The mortgagor shall pay for the recording of his mortgage and all other papers connected with the loan which may be recorded. Abstracts of Title shall be furnished at the expense of the applicant.

Section 20. In case of sale of any of the property covered by a mortgage executed under the provisions of this act, the purchaser thereof shall be deemed to assume and agree to pay the amount due on the mortgage as part of the purchase price.

Section 21. All mortgages and other property taken by such board in its business of loaning, and all warrants and bonds issued by such board in transactions of its business shall be free from all general taxes, state, county, municipal, and from mortgage registration tax, and shall not be subject to a state income tax.

Section 22. In all matters arising under this act the state may sue and be sued as an individual.

Section 23. The money borrowed under the provisions of this act shall not be loaned to any state or county officer.

Section 24. Penalty.] Any officer who shall fail or refuse to perform any duty imposed upon him as such by the provisions of this act shall be guilty of a misdemeanor.

Section 25. Any person who shall make any false or fraudulent statement or representation for the purpose of obtaining a loan under the provisions of this act shall be guilty of a felony.

Approved March 1, 1921.

Homesteads

CHAPTER 255.

(H. B. 123)

RELATING TO CONVEYANCE OR INCUMBRANCE OF HOMESTEADS.

AN ACT Entitled, An Act to Amend Section 451 of the South Dakota Revised Code of 1919, Relating to Homesteads.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 451 of the South Dakota Revised Code of Nineteen Nineteen be and the same is hereby amended to read as follows:

Section 451. How Conveyed or Encumbered.] A conveyance or incumbrance of the homestead by the owner, if married, and both husband and wife are residents of this state, shall be invalid unless both husband and wife concur in and sign or execute such conveyance or incumbrance either by a joint instrument or by separate instruments.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 16, 1921.

Hotels and Restaurants

CHAPTER 256.

(S. B. 82)

RELATING TO INSPECTION AND LICENSING OF HOTELS, RESTAURANTS AND ROOMING HOUSES.

AN ACT Entitled, An Act to Amend Sections 7822, 7823, 7824, 7826, 7827, 7834 and 7843 of the South Dakota Revised Code of 1919, Relating to the Inspection of Hotels, Restaurants and Rooming Houses.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 7822 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 7822. Hotel Defined.] Every building or other structure kept, used, maintained, advertised or held out to the public to be a place where food is served and sleeping accommodations are offered for pay, to transient guests, and having one or more dining rooms or cafes, where meals or lunches are served to such transient guests, such sleeping accommodations and dining rooms being conducted in the same building and under the same management, together with any

buildings in connection therewith, shall for the purposes of this article be deemed a hotel.

Section 2. That Section 7823 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 7823. Rooming House Defined.] Every building or other structure kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are furnished for pay, to transient or permanent guests, in which five or more beds are used for the accommodation of such guests, but which does not maintain dining rooms or cafes in the same building and under the same management, together with any buildings in connection therewith, shall for the purpose of this article be deemed a rooming house and shall not be entitled to the name "Hotel." Nothing in this article shall be construed to prevent the use of any name the proprietor of such rooming house may desire to apply to his business, which does not include the word "Hotel."

Section 3. That Section 7824 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 7824. Restaurant Defined.] Every building or other structure kept, used, maintained, advertised or held out to the public to be a place where meals or lunches are served without sleeping accommodations, together with all outbuildings in connection therewith, shall for the purposes of this article be deemed a restaurant. Nothing in this article shall be construed to prevent the use of any name the proprietor of a licensed restaurant may desire to apply to his business, which does not include the words "hotel" or "rooming house."

Section 4. That Section 7826 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 7826. Application for License.] Such commissioner shall, upon request, furnish to any person desiring to conduct a hotel, rooming house or restaurant, the necessary application blank for a license on which blank the applicant shall state the full name and address of the owner or agent of the building, or both, the lessee and manager of such hotel, rooming house or restaurant, together with a full description of the building and property used or proposed to be used for such business, and the location of the same. Applications shall be accompanied by license fees and according to the following schedule: for restaurants and for rooming houses having less than ten beds, three dollars; for hotels having less than ten rooms, five dollars; for hotels having ten and less than twenty-five rooms, and for rooming houses having ten and less than twenty-five beds, eight dollars; for hotels and rooming houses having twenty-five and less than fifty rooms, ten dollars; and for hotels and rooming houses having fifty or more rooms, twelve dollars. Upon receipt of such application and fee, and having satisfied himself that the provisions of this article are complied with, the food and drug commissioner shall issue a license for such restaurant, hotel or rooming house.

Section 5. That Section 7827 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 7827. Inspection.] It shall be the duty of such commissioner to inspect or cause to be inspected, at least twice annually, every hotel, rooming house and restaurant in the state, and for that purpose he and such deputies and inspectors as he may appoint shall have the right of entry thereto at any reasonable time. Whenever, upon such inspection, it shall be found that such business and property so inspected is not being conducted, or is not equipped, in the manner
Laws—24.

and condition required by the provisions of this article, it shall be the duty of the commissioner to notify the owner, proprietor or agent in charge of such business, or the owner or agent of the building so occupied, of such changes or alterations as may be necessary to effect a compliance with the provisions of this article. A reasonable time shall be allowed within which such compliance is to be made. If such compliance is not made within the time allowed the food and drug commissioner shall have the authority to suspend or revoke the license under which the restaurant, hotel or rooming house operates either temporarily, until the conditions complained of are remedied, or permanently for the unexpired term. Before revoking any license, the food and drug commissioner shall give written notice to the licensee affected, stating that he contemplates the revocation of the same and giving his reasons therefor. Said notice shall appoint a reasonable time of hearing before said commissioner. On the day of hearing, the licensee may present such evidence to the commissioner as he deems fit, and after hearing all the testimony, the commissioner shall decide the question in such manner as to him appears just and right. Any licensee who feels aggrieved at the decision of the commissioner may appeal from said decision within ten days by writ of certiorari to the circuit court of the county where licensee resides, and issue shall be framed in said court and a trial had.

Section 6. That Section 7834 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 7834. Halls in Hotels.] Whenever it shall be proposed to erect a building three stories or more in height, intended for use as a hotel or rooming house, it shall be the duty of the owner, contractor or builder of such hotel or rooming house to so construct the same that one main hall on each floor above the ground floor shall run through such building from one outside wall to the other, except in the case of buildings of fireproof construction approved by the State Food and Drug Commissioner, and every building converted into a hotel or rooming house must comply with the provisions of this article, provided that the provisions of this article relating to outside fire escapes shall not apply to hotels having interior fire-proof stairways approved as such by the State Food and Drug Commissioner, and provided, further, that the provisions of this article relating to knotted ropes or automatic appliances shall not apply to hotels not over two stories in height having an outside stairway leading from a landing at the second floor level, upon which opens a door from the second floor hallway, if such stairway be approved by the State Food and Drug Commissioner.

Section 7. That Section 7843 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 7843. Violations—Penalties.] Any person, firm or corporation operating a restaurant, hotel or rooming house in this state, or as owner leasing a building used for such purpose, without having first complied with the provisions of this article, or who shall continue to operate after his license is lawfully suspended or revoked as provided for in this article, or who shall fail to comply with or shall violate any of its provisions, shall be guilty of a misdemeanor and upon conviction thereof shall be punished, for the first offense, by a fine of not less than ten nor more than one hundred dollars and for each subsequent offense by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the county jail for not more than six months.

Approved February 17, 1921.

Hydro-Electric Power Plants

CHAPTER 257.

(H. B. 364)

SUBMITTING TO A VOTE OF THE PEOPLE INITIATED MEASURE RELATING TO HYDRO-ELECTRIC POWER PLANTS AND TRANSMISSION SYSTEMS.

AN ACT Entitled, An Act Enacting and Submitting to a Vote of the Electors of the State a Proposed Law Relating to the Manufacture, Distribution and Sale of Electric Current for Heating, Lighting and Power Purposes by Means of a State Constructed, Owned, Maintained and Operated Hydro-Electric Power Plant and Transmission System.

Whereas, under the provisions of Section 1 of Article 3 of the Constitution of the State of South Dakota and Sections 5067 to 5074 inclusive of the South Dakota Revised Code of 1919 a petition has been filed in the office of the Secretary of State, signed by more than five per centum of the qualified electors of the state in the manner and form therein directed, petitioning that the following proposed law be enacted and submitted to a vote of the electors of the state at the next general election, certified copies of said petition having been transmitted to the Senate and House of Representatives by the Secretary of State.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That the following Act be and the same is hereby enacted and submitted to a vote of the electors of the state at the next general election to be held in the year 1922, for their approval:

The undersigned electors of the State of South Dakota petition for the enactment and submission to the vote of the people of the State of South Dakota:

An Act Entitled an Act to Carry into Effect the Provisions of the State Constitution Relating to the Manufacture, Distribution and Sale of Electric Current, for Heating, Lighting and Power Purposes, by means of a State constructed, owned, maintained and operated Hydro-Electric Power Plant and Transmission System.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF SOUTH DAKOTA:

Section 1. That there shall be constructed, owned, maintained, and operated by the State of South Dakota, hydro-electric power plants and transmission systems for the manufacture, distribution and sale of electric current, as hereinafter provided.

Section 2. Such power plants shall be located on the Missouri River, at such points as the Commission hereinafter created shall determine, and the project for first development shall be located about four miles above the City of Mobridge, Walworth County, at the point designated as the "Mobridge Site," in the report on the feasibility of the development of hydro-electric power from the Missouri River, made by Daniel W. Mead and Charles V. Seastone under authority of and pursuant to the provisions of Chapter 225 of the laws of 1919 and which location was approved and fixed by the Hydro-Electric Commission of the State of South Dakota and is more definitely described as being on the section line between sections 28 and 33 in township one hundred

twenty-five (125) North of range seventy-nine (79) West 5th P. M. when such line is extended west from a point on said section line on the east bank of the Missouri River in the County of Campbell, State of South Dakota.

Section 3. The funds required to construct, maintain and operate such power plant and transmission system shall be derived from the sale of bonds, and the sale of electric current as hereinafter provided.

Section 4. For the purpose of carrying into effect the provisions of this Act, there is hereby created a Commission, to be known as the South Dakota Hydro-Electric Commission, consisting of three members, to be appointed by the Governor, and confirmed by the Senate, one of whom may be, at the time of his appointment, a non-resident of this State, but none of whom shall hold any other elective or appointive state office; provided, that no member of such commission shall be appointed until after a sufficient amount of money shall have been derived from the sale of bonds, as herein provided, to enable the State to enter upon the construction of the aforesaid power plant.

Section 5. Whenever sufficient money shall have been derived from sale of bonds to enable this State to enter upon the construction of the aforesaid power plant, it shall be the duty of the Governor to appoint three members of the aforesaid Commission, to serve until the first regular Session of the Legislature which shall convene after such appointments have been made, and until their successors shall be appointed, at which regular session one member of such Commission shall be appointed and confirmed for the term of two years, one for the term of four years, and one for the term of six years, and at each regular session thereafter one for the term of six years, commencing on the first day of the Session at which such member shall have been appointed.

Section 6. Whenever, for any cause, a vacancy shall occur on said Commission, it shall be filled by appointment by the Governor, until the next ensuing regular Session of the Legislature, when a member shall be appointed and confirmed for the full or unexpired term, as the case may be, and every member of such Commission shall continue to serve until his successor shall have been appointed and confirmed and shall have been duly qualified.

Section 7. Before entering upon the discharge of his duties each member of said Commission shall take and subscribe the oath of office prescribed by the State Constitution and give to the State a Surety bond, to be approved, recorded and filed as are the official bonds of other State officers, conditioned for the faithful discharge of his duties of his office, in the penal sum of twenty-five thousand dollars; the premium thereon to be paid out of any funds available for the payment of the expenses of such commission, upon compliance with the provisions of Section 7040 of the Revised Code of 1919.

Section 8. A majority of the members of such Commission shall constitute a quorum for the transaction of business and the discharge of the duties of the Commission. They shall select one of their number to act as Chairman, one to act as vice-chairman, and one to act as secretary-treasurer. Such Commission shall be deemed to be in continuous session and open for the transaction of business upon every business day.

Section 9. Each member of such Commission shall receive an annual salary of five thousand dollars, payable in the same manner as are the salaries of other state officers, out of the hydro-electric or other available funds.

Section 10. Such Commission shall have a seal, containing the words, "South Dakota Hydro-Electric Commission," in the form of a circle and the word "Seal" within the circle, which it may use whenever it deems proper, but the failure to affix such seal shall not affect the validity of any instrument otherwise legally executed.

Section 11. It shall be the duty of the chairman to preside at all meetings of the Commission when present; To sign all written contracts entered into by the Commission; and to perform such other duties as may be imposed upon him by the laws of this State or the rules and regulations of the Commission.

Section 12. The vice-chairman shall perform all the duties of the chairman in the absence or inability of the latter to act.

Section 13. The secretary-treasurer shall be the custodian of all moneys of such Commission, shall keep accurate account of all its proceedings and transactions, shall execute all checks, make all reports requisitions and statements and perform all other duties as may be required of him by the Commission.

Section 14. Subject to the approval of the Governor as to number and compensation, such commission shall have power to employ and discharge, in its discretion, such engineers, clerks, stenographers, agents and other employees as may be necessary to efficiently and economically accomplish the purpose of this Act; to prescribe the duties and fix the compensation of each of such employees; and such compensation may be either a per diem or a salary to be paid out of the hydro electric or other available fund as are other state employees.

Section 15. Such Commission shall have power:

1. To establish, amend, and repeal such reasonable rules and regulations not inconsistent with the laws of this state, as it may deem expedient for the proper management of its affairs.

2. To supervise, control and manage the construction, maintenance and operation of the aforesaid power plant and transmission system, the finances thereof and all matters connected therewith, except as otherwise expressly provided in this Act.

3. To acquire, for and on behalf of the State, by donation, purchase or condemnation proceedings, any land, right of way, easement or license it may deem necessary for the purpose of establishing, maintaining and operating the aforesaid power plant, at the point designated in this Act, together with all proper means of ingress to and egress from the same.

4. To secure, by an Act of Congress, or other appropriate means, the consent and authority of the Federal Government to construct and maintain such dam or dams, bridge or bridges, railway or railways, highway or highways, across or along the Missouri River, as it may deem necessary for the purpose of establishing, maintaining and operating the aforesaid power plant, at the point designated in this Act, with all proper means of ingress to and egress from the same.

5. To construct, maintain and operate the lines of the aforesaid transmission system, either under or above ground, through, along or across any state, county or township, public highway, without the consent of any person or corporation, public or private; and with the consent of the governing body, through or along or across any street, avenue, alley or other public highway, within any city or incorporated town; and such use of any such road, street, avenue, alley, or other public highway shall not be deemed an additional burden thereon, provided, that the owner of any previously established telegraph or telephone lines shall be entitled to just and reasonable compensation

for any injury caused by the electrical interference of the state current with the operation of such owner's line or lines.

6. To acquire by donation, purchase or condemnation proceedings, the right to construct and maintain such lines, either under or above ground, through, along or across, any private property within the state.

7. To locate, extend, change or discontinue any transmission line as the Commission may deem best calculated to promote the purposes of this Act.

8. To enter into, for and on behalf of the State, any contract, required to accomplish the purposes of this Act, in the manner prescribed herein.

9. To fix the rates which shall be charged by the State for electric current; provided, that there shall be no difference in such rates on account of the distance of the point of delivery from the power plant.

10. To sell electric current to any state institution, county, city, incorporated town, organized civil township, school district, private corporation, association, partnership or person for its or his own use or for distribution.

11. To inspect any and all appliances, employed in connection with the use of state produced electric current and require that such appliances be so constructed, maintained and operated as to secure the highest degree of safety attainable by the latest and most approved types of construction and methods of operation.

12. To institute and maintain, in the name of the state, as plaintiff, in any court having jurisdiction, any action or proceedings, which may be necessary to protect the property under its control or to enforce any right or obligation arising out of, or connected with the discharge of its official duties and it shall be the duty of the attorney general to take charge of and conduct such litigation.

Section 16. It shall be the duty of such Commission as soon as it shall have been appointed and organized, to proceed with all reasonable diligence, to carry out the provisions of this Act, as soon as the Commission shall determine that in its judgement such power plant and transmission system can be constructed at a cost of not to exceed seventeen million dollars.

Section 17. In constructing such power plant the Commission shall have power and it shall be its duty to adopt such character and type of construction as it may deem most feasible and best adapted to the purpose of manufacturing and selling such a quantity of electric current as will produce sufficient revenue to properly maintain and operate and ultimately to discharge all the obligations incurred by the establishment of the improvement.

Section 18. In constructing, locating and extending the lines of the lines of transmission and so fix the rates to be charged for electric current, the commission shall have power, and it shall be its duty, to adopt such character and type of construction, to locate and extend the lines of transmission and so fix the rates to be charged for electric current, as it may deem most feasible and best adapted to produce the revenue mentioned in the preceding section.

Section 19. Such Commission shall have power to purchase any material required to construct the aforesaid power plant and transmission system or any part thereof, and to arrange to have the work of construction done by day labor, under its own supervision; or it may contract with reliable contractors to construct the same, or any part thereof, the State or the contractor to furnish such portions of the

required material as may be agreed upon. All contracts for the construction of any part thereof shall be let to the lowest responsible bidder. All bids shall be sealed and accompanied by a certified check in such sum as the Commission may prescribe, which check shall be forfeited if the bid be accepted and the bidder shall fail to enter into a contract within the time stated in the bid as prescribed by the Commission. It shall be the duty of the Commission to advertise for such bids for at least thirty days, in at least three newspapers of general circulation, published in the state, and in such other newspapers and journals of general circulation, published anywhere in the United States, as the Commission may deem expedient. All such contracts shall provide for payment as the work progresses, upon estimates of the engineer employed by the Commission, but at all times there shall be withheld not less than twenty-five per cent of the contract price until the contract shall have been fully completed and the work accepted by the Commission.

Section 20. All contracts for material costing to exceed one thousand dollars shall be let upon sealed bids as provided for construction contracts in the preceding section.

Section 21. Whenever any contract is entered into for the construction of any part of such improvement costing to exceed one thousand dollars, the contractor shall be required, before commencing such work, to give a bond, in amount not less than the contract price, conditioned for the faithful performance of such contract and against any loss or damage on account of flood, or preventable accident, with good and sufficient surety, to be approved by the Commission, and with the additional obligation that such contractor shall promptly pay all persons supplying him with labor or materials in the prosecution of the work provided for in such contract.

Section 22. No contract or bond mentioned in the three preceding sections shall be executed or accepted by the Commission until after such bond or contract has been approved as to form and legality by the attorney general.

Section 23. No conveyance or contract relating to any right of way, easement or license, nor the title to any land, acquired by donation or purchase, as provided for in this Act, shall be accepted, until after it shall have been approved by the attorney general as to form and legality; all lands so acquired shall be conveyed to the State by deed duly executed and acknowledged with full covenants of warranty, granting the title in fee, clear of all incumbrances, without any reversionary clause or condition whatever, which deed shall be recorded in the county or counties wherein the land or any part thereof is situated and filed with the Secretary of State; and all condemnation proceedings provided for in this Act, shall be instituted in the Circuit Court of the proper county, by the attorney general, in the name of the State of South Dakota, as plaintiff, and be governed, so far as applicable by the provisions of Sections 2938 to 2952 both inclusive, of the Revised Code.

Section 24. Any county, city, incorporated town, organized civil township or school district shall have power to purchase electric current from the State for its own use and for sale to its inhabitants; and for such purposes the governing body of any county, city, incorporated town, organized civil township or school district shall have power to construct, own, maintain and operate a local transmission system, or to purchase any existing local system, when authorized so to do by a majority of the electors of the county, city, incorporated town, organ-

ized civil township or school district voting upon the proposition, at any regular election conducted in the manner provided by the laws of the State.

Section 25. Such commission shall have power to enter into agreements with the State Highway Commission, to so construct the aforesaid power plant as to provide for a suitable and safe roadway for the passage of vehicles and pedestrians across the Missouri River, provided, that any additional cost of construction caused thereby, shall be paid out of the funds under the control of the State Highway Commission and the State Highway Commission shall provide funds for keeping such roadway in repair.

Section 26. The bonds mentioned in Section 3 shall be in such denominations as may be determined by the Governor, shall bear the date of their issue, shall be made payable to the purchaser or order, in not less than ten nor more than forty years from their date, subject to such provisions, for their prior payment and retirement as may be determined by the Governor, which provisions shall be expressed in the bonds, and shall bear interest at a rate not exceeding five per cent per annum, payable annually or semi-annually, as may be agreed upon, with interest coupons attached for each interest payment. Such bonds and coupons shall be signed by the Governor, be attested by the Secretary of State and have attached thereto the great seal of South Dakota; Provided, that the great seal and the signature of said officers may be lithographed or engraved upon the coupons. Each of such bonds shall recite upon its face that it is issued under and pursuant to the provisions of this Act. Such bonds and coupons may be made payable anywhere in the United States, shall be exempt from all taxation in this state, and shall be registered as provided in Section 5359 of the Revised Code, provided, that such bonds shall not exceed in amount one per cent of the assessed valuation of the property of the State.

Section 27. Authority is hereby conferred upon the Governor and Secretary of State to so execute and issue such bonds, at such time, and in such amounts, as the Governor may deem expedient, to obtain sufficient funds for the purpose of constructing, maintaining and operating the aforesaid hydro-electric power plant and transmission system in an economical and efficient manner; and whenever any of such bonds shall have been so executed and issued the State Treasurer shall have authority and it shall be his duty to negotiate and sell the same upon the most advantageous terms obtainable, and, except as herein provided, none of such bonds shall be sold for less than par and accrued interest, nor shall such bonds, except as provided in Section 28 hereof, be sold until the Commission has secured tentative contracts for the sale of not less than thirty million kilowatt hours of current.

Section 28. For the purpose of defraying the expense of such preliminary work as the State Hydro-Electric Commission created by Chapter 225 Laws of 1919, may deem necessary prior to the commencement of the construction of such power plant, authority is hereby granted to the State Treasurer to negotiate and sell at once and upon such terms as such Commission shall determine, not to exceed Two Hundred Thousand Dollars of such bonds, and it shall be the duty of the State Treasurer to sell such bonds upon the request of such Commission, or if the Commission should deem the sale of such bonds inexpedient, it shall have the right to borrow money for such expenditures for preliminary work, by issuing warrants for a like amount, which warrants shall be in such denominations, and upon such terms as the Commission may determine. The Commission shall prescribe

rules and regulations concerning the manner in which such warrants shall be sold, paid and retired under the provisions of this act. Such warrants shall designate on their face the purpose for which they are issued and shall be signed by the Governor, the Secretary of the Commission and be attested by Secretary of State, with the great seal of the State and shall bind the State to pay the same according to the terms thereof.

Section 29. The good faith and credit of the State of South Dakota are hereby pledged for the payment and redemption of the bonds issued under the provisions of this Act and all interest on same, and for the payment of all warrants issued pursuant to Section 28 hereof; and all money which may be derived from the sale of such bonds, and from the sale of electric current, shall be and the same is hereby set apart and appropriated for the payment of the warrants herein mentioned and the interest on same; the payment of the interest on such bonds as the same becomes due; the cost of constructing, maintaining and operating the aforesaid hydro-electric power plant and transmission system; the expense of procuring proper plans and specifications; the expense of securing the authority of the federal government to construct a dam or dams across the Missouri River; the purchase of necessary land and material; the payment of valid claims for injury to property taken or damaged; the salaries and expenses of the members of the Commission, herein provided for, its officers, agents and employees; and all other authorized expenditures required to accomplish the purposes of this Act; and none of such money shall be used for any other purpose, except to restore to the general fund any amounts which have been heretofore, or may hereafter be, paid out of such general fund, for the purpose of promoting the development of hydro-electric power.

Section 30. If at any time it shall appear that there may not be sufficient funds in the treasury of the Commission to pay the bonds herein authorized, and the interest on same at maturity, or if at any time after such power plant has been in operation for a period of ten years it shall be made to appear that the net earnings of such plant are not sufficient to provide an adequate sinking fund to retire such bonds at maturity, it shall be the duty of the Tax Commission of the State of South Dakota, forthwith to levy a tax upon all the taxable property of the State to pay the same when due, which tax shall be extended and collected in the same manner as other taxes, and used by the State Hydro-Electric Commission in payment of such bonds and accrued interest thereon.

Section 31. The proceeds from the sale of all such bonds and warrants and all income from the sale of electric current shall be reported in detail and paid into the State Treasury monthly, or oftener if the Secretary-Treasurer of the Commission deems it expedient, and same shall be credited to a special fund to be designated as the "State Hydro-Electric Fund." The Commission shall from time to time file with the State Auditor requisitions for such funds as it may require in the regular course of the transaction of its business for a period of not more than thirty days in advance and upon filing of any such requisition in the Auditor's office it shall be the duty of the Auditor to issue warrants for the amounts so required and the State Treasurer shall thereupon pay such warrants to the Secretary-Treasurer of the Commission. It shall be the duty of the Secretary-Treasurer of the Commission at least every sixty days to file in the office of the State Auditor a verified itemized account of all disbursements, showing the persons to

whom the money was paid, the amount of each payment, and for what purpose, and the cancelled vouchers upon which such money was disbursed which account shall be filed in the office of the State Auditor in like manner. Such account shall show the amount of money on hand at the previous requisition and shall also show the balance of cash on hand or due from banks at the time such account is rendered.

Section 32. As used in this Act, except when a different intention plainly appears, the word "Commission" shall be understood to mean the South Dakota Hydro-Electric Commission, created by this Act; the words "power plant" shall be understood to mean and include the dam or dams, locks, spillway, power house or houses, together with any and all fixtures, machinery and other appliances, connected therewith and used in the operation thereof for the manufacture of electric current; and the words "transmission system" shall be understood to mean and include all wires, poles, conduits, transformers, and all other appliances connected with and used for the transmission of electric current from the power plant to the purchaser.

Section 33. Such Commission, annually, at the time and in the manner governing the reports of other state officers, and commissions, shall make a report to the Governor, containing a condensed statement of all its transactions and of all money received and disbursed under its control during the preceding fiscal year, which report shall be published as are the reports of other State officers and Commissions.

Section 34. Whenever sixty per cent of the maximum product of electrical current generated by the first water power plant herein provided for has been contracted for by responsible purchasers, then the said Commission shall proceed to select a second site where a second power plant capable of developing the additional electrical current estimated to be required within twenty-five years, shall be constructed, and the Commission shall forthwith proceed to the construction and development of a second water power plant; And all provisions of this Act regulating development and operation of the first water power plant, shall apply to and regulate the action of the said commission in the planning, development and operation of said second plant.

Section 35. Until the appointment and organization of the Commission created by this Act, the hydro-electric Commission created by Chapter 225, Laws of 1919, shall continue to exist, shall continue to consist of the Governor, the Secretary of State, the chairman of the railway commission, the state engineer, and the Secretary of the Department of History, each of whom shall serve without additional compensation, but whose actual, necessary expenses, as members of such Commission, shall be paid by the State; and until such time, such existing hydro-electric Commission shall have power to consult such expert engineers as it may deem expedient; to secure the preparation of plans and specifications; to secure the authority of the Federal Government; to construct and maintain the proposed improvement; to acquire for and on behalf of the state, by donation, purchase or condemnation proceedings, any land, right of way, easement or license, it may deem necessary for the purpose of establishing, maintaining and operating the aforesaid power plant at the point designated in this Act, together with all proper means of ingress to and egress from the same in the manner provided in this Act, and when the Commission created by this Act, shall have been appointed and organized such existing Commission shall deliver to its successor, all property, records, documents, and papers in its possession and shall thereafter cease to exist.

Approved March 12, 1921.

Insurance

CHAPTER 258.

(H. B. 61)

RELATING TO ACCIDENT AND HEALTH INSURANCE.

AN ACT Entitled, An Act to Amend Section 12, of Chapter 229, of the Session Laws of 1919, Relating to Insurance, and Increased Indemnity if Death Results from Accidental Bodily Injuries.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Section 12. of the Chapter 229, of the Session Laws of 1919, is hereby amended to read as follows:

Section 12. Not to Affect Workmen's Compensation Insurance, et cetera.]

(1) Nothing in this act, however, shall apply to or affect any policy or liability of workmen's compensation insurance or any general or blanket policy of insurance issued, to any municipal corporation or department thereof, or to any corporation, copartnership, association or individual employer, police or fire department, underwriter's corps, salvage bureau, or like associations or organizations, where the officers, members or employees or classes or departments thereof are insured for their individual benefit against specified accidental bodily injuries or sickness while exposed to the hazards of the occupation or otherwise in consideration of a premium intended to cover the risks of all the persons insured under such policy.

(2) Nothing in this act shall apply to or in any way affect contracts supplemental to contracts of life or endowment insurance, where such supplemental contracts contain no provisions except such as operate to safeguard such insurance against lapse, or to provide a special surrender value therefor in the event that the insured shall be totally and permanently disabled by reason of accidental bodily injury or by sickness, or to provide for the payment of a larger amount of insurance in the event that the death of the insured shall result from accidental bodily injuries; provided that no such supplemental contract shall be issued or delivered to any person in this state unless and until a copy of the form thereof has been submitted to and approved by the Commissioner of Insurance, under such reasonable rules and regulations as he shall make concerning the provisions in such contracts and their submission to an approval by him.

(3) Nothing in this act shall apply to or in any way affect fraternal benefit societies.

(4) The provisions of this act contained in clause 5 of Section 2 and clauses 2, 3, 8 and 12 of Section 3 may be omitted from railroad ticket policies sold only at railroad stations, or at railroad ticket offices by railroad employees.

Approved February 10, 1921.

CHAPTER 259.**(H. B. 358)****RELATING TO BANK BURGLARY INSURANCE.**

AN ACT Entitled, An Act Relating to Bank Burglary Insurance, and Giving the Commissioner of Insurance Authority to Regulate the Premium Rates for Such Insurance.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. It shall be the duty of every insurance company, writing bank burglary risks in the state of South Dakota, whenever required, to file with the Commissioner of Insurance a verified report of premiums charged and collected over any specified period on such business in the state and of losses sustained and paid on such business over the same period. Upon the complaint of any one aggrieved, the Commissioner of Insurance shall, at the expense of the complainant, make an investigation of the premium rates charged by such companies on such business. If, after an investigation, he shall be of the opinion that such premiums charged are excessive, he shall make an order stating the reduction and changes that shall be made in such premium charges and when such reduction or changes shall take effect. Such order shall be served upon every insurer of bank burglary risks in the state by forwarding a copy of same by registered mail to the home office of such insurer, and thereafter it shall be unlawful for any insurer to charge greater premiums than specified in such order by the Commissioner. By petition of any insurer, insured or other person interested, such order of the Commissioner may be reviewed by the Circuit Court of Hughes County.

Approved March 4, 1921.

CHAPTER 260.**(S. B. 266)****RELATING TO AUTHORITY OVER DILAPIDATED OR NEGLECTED BUILDINGS.**

AN ACT Entitled, An Act Amending Section 9125 of the South Dakota Revised Code of 1919, Relating to the Powers and Duties of the Commissioner of Insurance and Other Fire Officers in Relation to Damaged or Neglected Buildings, and Providing Penalties for its Violation.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 9125 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 9125. Dilapidated or Neglected Buildings Removal of Combustibles.

(1.) The Commissioner of Insurance, or any deputy fire marshal, the chief of the fire department of any city or town where a fire department is established, and the mayor of any city or the president of any town where no fire department exists, and the clerk of each civil township in the territory outside of the limits of a city or town, upon com-

plaint of any person having an interest in any building or property adjacent, and without complaint, shall have a right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within their jurisdiction; and whenever any such officer shall find any building, or other structure, which for want of proper repair, by reason of age or dilapidated condition or for any cause, is especially liable to fire, and which is so situated as to endanger other buildings or property, such officer shall order such building or buildings to be repaired, torn down or demolished, and all dangerous conditions remedied. If such officer finds in a building or upon any premises any combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable conditions of any kind, dangerous to the safety of such buildings or premises, he shall order such materials removed or conditions remedied. Such order shall be made against and served personally or by registered letter upon the owner, lessee, agent, or occupant of such building or premises, and thereupon such order shall be complied with by the owner, lessee, agent or occupant and within the time fixed in said order.

(2.) If the owner, lessee, agent or occupant deems himself aggrieved by an order of an officer under the preceding section and desires a hearing he may complain or appeal in writing to the Commissioner of Insurance within three days from the service of the order and the Commissioner of Insurance shall at once investigate said complaint and he shall fix a time and place not less than five days nor more than ten days thereafter, when and where said complaint will be heard. The Commissioner of Insurance at said hearing may affirm, modify, revoke or vacate said order, and unless such order is revoked or vacated by the Commissioner of Insurance it shall remain in force, and be complied with by such owner, lessee, agent or occupant and within the time fixed in said order, or within such time as may be fixed by the Commissioner of Insurance at said hearing.

(3.) If a person is aggrieved by the final order of the Commissioner of Insurance as made at the hearing provided for in the preceding section, such person may, within five days thereafter, appeal to the circuit court of the county in which the property is situate, notifying the Commissioner of Insurance in writing of such appeal within three days thereafter, which notice shall be in writing and delivered personally to the Commissioner of Insurance or left at his principal office in the city of Pierre. The party so appealing shall, within two days thereafter, file with the circuit court in which said appeal is made a bond in an amount to be fixed by the court but in no case less than one hundred dollars (\$100.00) with at least two sufficient sureties, to be approved by the court, conditioned to pay all the costs on the appeal in case the appellant fail to sustain the same or the appeal be dismissed for any cause. The circuit court shall hear and determine said appeal within ten days from the date of the filing of the same, and the Commissioner of Insurance shall make a complete transcript of the proceedings had before him and certify the same together with all the original papers filed in his office and transmit them to the circuit court at least three days prior to the date of hearing as fixed by the court. The decision of the circuit court shall be final, and, in case the decision is against the appellant or for any cause the appeal be dismissed, judgment for costs shall be entered against the appellant.

(4.) If any person fail to comply with an order of an officer under the last three preceding paragraphs, and within the time fixed, then such officer is empowered and authorized to cause such building or premises

to be repaired, torn down, demolished, materials removed and all dangerous conditions remedied, as the case may be, and at the expense of such person; and if such person within thirty days thereafter fail, neglect or refuse to repay said officer the expense thereby incurred by him, such officer shall certify said expenses, together with twenty-five per centum penalty thereon to the County Auditor of the county in which said property is situate and said county auditor shall enter said expense on the tax duplicates of said county as a special charge against the real estate on which said building is or was situate, and the same shall be collected as other taxes, and, when collected, shall, together with the penalty thereon, be refunded to such officer.

(5.) Any person or persons, being the owner, occupant, lessee or agent, of buildings or premises, who wilfully fails, neglects or refuses to comply with any order of any officer named in the last four preceding paragraphs, shall be guilty of a misdemeanor and shall be fined not more than fifty dollars (\$50.00) nor less than ten dollars (\$10.00) for each day's neglect.

Approved March 12, 1921.

CHAPTER 261.

(S. B. 20.)

RELATING TO INSURANCE OF CHILDREN BY FRATERNAL BENEFIT SOCIETIES.

AN ACT Entitled, An Act Providing for the Issuance by Fraternal Beneficiary Associations of Insurance Certificates to Children Between the Ages of Two and Eighteen Years, Inclusive.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Any fraternal benefit society authorized to do business in this state and operating on the lodge plan, may provide in its constitution and by-laws, in addition to other benefits provided for therein, for the payment of death or annuity benefits upon the lives of children between the ages of two and eighteen years at next birthday, for whose support and maintenance a member of such society is responsible. Any such society may at its option, organize and operate branches for such children, and membership in local lodges and initiation therein shall not be required of such children, nor shall they have any voice in the management of the society. The total benefits payable as above provided shall in no case exceed the following amounts at ages at next birthday at the time of death, respectively, as follows: Two, thirty-four dollars; three, forty dollars; four, forty-eight dollars; five, fifty-eight dollars; six, one hundred and forty dollars; seven, one hundred and sixty-eight dollars; eight, two hundred dollars; nine, two hundred and forty dollars; ten, three hundred dollars; eleven, three hundred and eighty dollars; twelve, four hundred and sixty dollars; thirteen to fifteen, five hundred and twenty dollars; and sixteen to eighteen, where not otherwise authorized by law, six hundred dollars.

Section 2. No benefit certificate as to any child shall take effect until after medical examination or inspection by a licensed medical practitioner, in accordance with the laws of the society, nor shall any such benefit certificate be issued unless the society shall simultaneously put in force at least five hundred such certificates, on each of which at

least one assessment has been paid, nor where the number of lives represented by such certificate falls below five hundred. The death benefit contributions to be made upon such certificate shall be based upon the "Standard Industrial Mortality Table" or the "English Life Table Number Six," and a rate of interest not greater than four per cent per annum, or upon a higher standard; provided that contributions may be waived or returns may be made from any surplus held in excess of reserve and other liabilities, as provided in the by-laws, and provided, further, that extra contributions shall be made if the reserves hereafter provided for become impaired.

Section 3. Any society entering into such insurance agreements shall maintain on all such contracts the reserve required by the standard of mortality and interest adopted by the society for computing contributions, as provided in section 2, and the funds representing the benefit contributions and all accretions thereon shall be kept as separate and distinct funds, independent of the other funds of the society, and shall not be liable for nor used for the payment of the debts and obligations of the society other than the benefits herein authorized; provided, that a society may provide that when a child reaches the minimum age for initiation into membership in such society, any benefit certificate issued hereunder may be surrendered for cancellation and exchanged for any other form of certificate, issued by the society, provided that such surrender will not reduce the number of lives insured in the branch below five hundred, and upon the issuance of such new certificate any reserve upon the original certificate herein provided for shall be transferred to the credit of the new certificate. Neither the person who originally made application for benefits on account of such child, nor the beneficiary named in such original certificate nor the person who paid the contributions, shall have any vested right in such new certificate, the free nomination or a beneficiary under the new certificate being left to the child so admitted to benefit membership.

Section 4. An entirely separate financial statement of the business transactions and of assets and liabilities arising therefrom shall be made in its annual report to the Commissioner of Insurance by any society availing itself of the provisions hereof. The separation of assets, funds and liabilities required hereby shall not be terminated, rescinded or modified, nor shall the funds be diverted for any use other than as specified in Section 3, as long as any certificates issued hereunder remain in force, and this requirement shall be recognized and enforced in any liquidation, re-insurance, merger or other change in the condition of the status of the society.

Section 5. Any society shall have the right to provide in its laws and the certificate issued hereunder for specified payments on account of the expense or general fund, which payments shall or shall not be mingled with the general fund of the society as its constitution and by-laws may provide.

Section 6. In the event of the termination of membership in the society by the person responsible for the support of any child, on whose account a certificate may have been issued, as provided herein, the certificate may be continued for the benefit of the estate of the child, provided the contributions are continued, or for the benefit of any other person responsible for the support and maintenance of such child, who shall assume the payment of the required contributions.

Section 7. All acts and parts of acts in conflict with this act are hereby repealed.

Approved February 2, 1921.

CHAPTER 262.

(H. B. 153.)

RELATING TO COMMISSIONER OF INSURANCE.

AN ACT Entitled, An Act to Amend Section 9112 of the South Dakota Revised Code of 1919, as Amended by Chapter 234 of the Laws of 1919, as Amended by Chapter 62 of the Laws of the Special Session of June 1920, Relating to the Office of the Commissioner of Insurance.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 9112 of the South Dakota Revised Code of 1919, as amended by Chapter 234 of the Session Laws of 1919, as amended by the Laws of the Special Session of June 1920, be amended so as to read as follows:

Section 9112. Commissioner, Appointment, Term, Removal, Residence, Salary.] The Commissioner of Insurance, whose term of office shall be for two years, beginning on the first day of July, 1919, and every two years thereafter, shall be appointed by the governor, by and with the advice and consent of the senate; he shall be an elector of the state, shall reside at the state capital, and shall devote his whole time to the duties of his office. The governor shall have power to remove such commissioner, upon reasonable cause shown, and in case of removal the governor shall file his reasons therefor with the secretary of state and report such removal to the legislature at the first succeeding session. Such commissioner shall receive a salary of not to exceed four thousand, five hundred dollars (\$4,500) per annum, and his actual and necessary travelling expenses incurred in the discharge of his official duties.

Approved March 12, 1921.

CHAPTER 263.

(S. B. 234.)

RELATING TO COUNTY MUTUAL FIRE INSURANCE COMPANIES.

AN ACT Entitled, An Act to Amend Section 9247 of the Revised Code of 1919, as Amended by Chapter 235 of the Session Laws of 1919, Relating to the Organization of County Mutual Fire Insurance Companies.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 9247 of the Code of 1919, as amended by Chapter 235 of the Session Laws of 1919, be amended so as to read as follows:

Section 9247. It shall be lawful for any number of persons not less than twenty-five, residing in the same county or in adjoining counties in this state, not exceeding in number seven counties, who shall collectively own property of not less than \$25,000.00 in value, to form a corporation, as incorporators thereof, for mutual insurance against loss or damage by or from fire, lightning, wind-storms, hurricanes, tornadoes and cyclones, or from any such causes. Provided, however, that when a corporation is organized insuring against tornadoes, cyclones and windstorms only, it may transact business in adjoining counties in the state, not exceeding in number twenty counties.

Approved March 12, 1921.

CHAPTER 264.

(S. B. 4.)

RELATING TO STATE HAIL INSURANCE.

AN ACT to Amend Section 24 of Chapter 244, Session Laws of South Dakota for the Year 1919, Relating to Hail Insurance, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 24 of Chapter 244, Session Laws of South Dakota for the Year 1919 be and the same is hereby amended to read as follows:

Section 24. The Commissioner of Hail Insurance, by and with the consent of the Governor, shall have power to borrow money for the purpose of paying losses or damage by hail if at any time there shall not be sufficient money in the hands of the state treasurer in the Hail Insurance Fund to pay such losses, in anticipation of the payment of said premiums and in amount equal to the total amount of such premiums for the current year less the amount received by the state treasurer on account of such premiums, and to issue warrants therefor, such warrants shall be sold at not less than par and at the lowest possible rate of interest, payable within one year from date thereof in such denomination or denominations as the purchaser may require. Such warrants shall be drawn upon the Hail Insurance Fund, shall be registered and sold at not less than par by the state treasurer, and the proceeds thereof shall be paid into the Hail Insurance Fund; said warrants shall designate on their face the purpose for which same are issued, shall be signed by the Commissioner of Hail Insurance and the Governor, attested by the Secretary of State with the great seal of the state and bind the state of South Dakota according to the terms thereof. If at any time there shall not be sufficient funds in the treasury in the Hail Insurance Fund to pay the said warrants at maturity thereof or when same shall become due, it shall be the duty of the Tax Commission of this state, upon request of the Governor and the Commissioner of Hail Insurance, to make a special assessment; and levy immediately to pay same when due, which levy shall be collected in the same manner as other levies made by said Tax Commission. Whenever such tax levy shall have been made it shall be the duty of the state auditor, upon the request of the Commissioner of Hail Insurance, to issue his warrants as said Commissioner may direct, bearing interest not to exceed 7 per cent per annum and register same drawn on the funds to be derived from such special levy in an amount with interest provided in said warrants not exceeding said levy and deliver same to the state treasurer and such warrants may be sold by said state treasurer. All money derived from such special levy or from the sale of such special warrants are hereby appropriated and shall be used only for the payment of said warrants for which said levy was made. It is further provided that in all matters herein relating to the borrowing of money, the issue of warrants and the payment thereof, the State of South Dakota may sue and be sued as a private individual.

Section 2. Whereas, this Act is necessary for the immediate support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved January 17, 1921.

CHAPTER 265.

(S. B. 154.)

RELATING TO STATE HAIL INSURANCE.

AN ACT Entitled, An Act to Amend Sections 5, 6, 7, 8, 9, 11, 15, 16 and 23, and to Repeal Section 14 of Chapter 244 of the Laws of 1919, as Amended by Section 3 of Chapter 64 of the Laws of the Special Session of June, 1920, Relating to State Hail Insurance, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 5 of Chapter 244 of the Session Laws of 1919 be amended so as to read as follows:

Section 5. It shall be and is hereby made the duty of each and every county, city, township and village assessor in the state, each within his respective district, at the time of listing the property for assessment, to return the number of acres in crop or to be sowed or planted to crop in the year of such assessment in every tract, parcel or subdivision of land assessed, together with the name of the person in whose name the land is taxed and also the name of the occupant, cropper, tenant or tenants, if any. Such assessor shall specify the number of acres of wheat, oats, barley, rye, flax, speltz, corn, cane, alfalfa, proso, millett, buckwheat and sorghum in each and every tract, parcel or subdivision of agricultural land assessed and if said land at the date of such assessment has not been planted to crop, and he cannot determine the number of acres which will be planted to such crops in that year, he shall return the total number of acres under plow or cultivation in each tract and for the purposes of this act the total number of acres under plow or cultivation, so returned, shall be taken and considered to be the number of acres in crop, unless the owner or occupant of said land shall, on or before twelve o'clock noon, the first day of June, or on or before twelve o'clock noon the fifteenth day of June, 1921 (as provided in Section 7) of each year, file with the county auditor of the county in which said land is situated, a statement duly verified by oath, describing the number of acres in crop and specifying the kind of grain in substantially the following form, to-wit:

State of South Dakota, }

County of _____ }

To the Commissioner of Hail Insurance, Pierre, South Dakota:

I am the _____ of the following described
(State whether owner, occupant or lessee)
agricultural land in said county, to-wit _____ of Section _____
Township _____ Range _____

The number of acres in crop in said tract is as follows, to-wit:

Wheat _____
Oats _____
Barley _____
Rye _____
Flax _____
Speltz _____
Corn _____
Cane _____
Alfalfa _____

Proso
 Millett
 Buckwheat
 Sorghum

Total number of acres in crop

(Signature)

Subscribed and sworn to before me this day of
, 19.....

Notary public in and for the county of
 State of South Dakota.

The report so made by the assessor shall be the basis for computing the premium for hail insurance. If, however, the owner, occupant or lessee of such land shall file as above provided a statement showing the number of acres in crop, then and in that event such statement shall become and be the basis for estimating the premium chargeable to such tract of land.

Section 2. That Section 6 of Chapter 244 of the Session Laws of 1919 be amended so as to read as follows:

Section 6. It shall be the duty of each person so assessed to report to the assessor the number of acres of crop as defined by this Act when and as often as said land is assessed. The owner, occupant or lessee of land not legally taxable and therefore not listed by the assessor may nevertheless insure the crop thereon and have the benefits of this Act by filing with the County Auditor, prior to twelve o'clock noon of June first or prior to twelve o'clock noon of June fifteenth (as provided in Section 7) in any year and before he has incurred any loss from hail, a sworn statement in form as provided by Section 5 of this Act, and by paying the premium thereon as computed by the County Auditor in cash. The County Auditor shall make triplicate receipts for such cash premiums and shall deliver one of such receipts to the insured, one to the Commissioner of Hail Insurance and one to the County Treasurer, together with the premium so paid; and thereupon the crop of the person furnishing such statement and making such payment shall be insured in like manner as though the land upon which such crop is grown had been regularly assessed.

Section 3. That Section 7 of Chapter 244 of the Session Laws of 1919 be amended so as to read as follows:

Section 7. All land planted to crops in this State as defined in this act, in the Counties of Union, Clay, Yankton, Bon Homme, Charles Mix, Gregory, Tripp, Todd, Bennett, Washabaugh, Mellette, Douglas, Hutchinson, Turner, Lincoln, Minnehaha, McCook, Hanson, Davison, Aurora, Brule, Buffalo, Jerauld, Sanborn, Miner, Lake and Moody shall be and is hereby deemed to be insured against loss by hail each year on and after twelve o'clock noon of the first day of June to twelve o'clock noon of the fifteenth day of September, 1921, and annually thereafter on and between said dates to the amount of, but not exceeding, Ten Dollars per acre for each acre in crop and all land planted to crops as defined in this act in this State in the Counties of Brookings, Kingsbury, Beadle, Hand, Hyde, Hughes, Sully, Potter, Faulk, Spink, Clark, Codington, Hamlin, Deuel, Grant, Roberts, Marshall, Day, Brown, McPherson, Edmunds, Campbell, Walworth, Corson, Dewey, Ziebach, Armstrong, Stanley, Lyman, Jones, Jackson, Haakon, Pennington, Meade, Lawrence Butte, Perkins, Harding, Custer, Fall River, Washington and Shannon shall be and is hereby deemed to be insured against loss by hail each

year on and after twelve o'clock noon of the fifteenth day of June to twelve o'clock noon the fifteenth day of September, and annually thereafter on and between said dates to the amount of, but not exceeding, ten dollars per acre for each acre in crop; provided, however, such insurance shall automatically cease when said grain is cut or harvested or destroyed by means other than hail.

Section 4. That Section 8 of Chapter 244 of the Session Laws of 1919 be amended so as to read as follows:

Section 8. Every lease, oral or written, on agricultural lands hereafter made shall be deemed to include, as a covenant and agreement on the part of the lessee or cropper, an undertaking to pay all hail insurance premiums properly chargeable against said crop or his interest therein as they become due, and the landlord shall have a first lien upon all the crops grown upon the land belonging to any such tenant or share cropper, as security for the payment of said premiums, unless the contrary shall be clearly expressed in writing and made a part of the lease. Every vendee or mortgagee of crops grown on rented land shall be charged with notice of such lien. The benefits of the hail insurance act shall inure to the benefit of any tenant under a lease made prior to March 5, 1919, unless he shall on or before twelve o'clock noon, the first day of June, or on or before 12 o'clock noon the fifteenth day of June, 1921 (as provided in Section 7) file in the office of the county auditor of the county in which said land is situated a writing signifying his acceptance of the provisions of this act and accepting the obligation to pay the hail insurance premium against the land so leased, or the part of such premium properly chargeable against his share of the crop, which writing shall operate to give the landlord a first lien on said crop, and may be in substantially the following form:

The undersigned _____ of the _____
 (Write tenant or share cropper)
 Section _____ Township _____ Range _____ in _____
 County, S. D., does hereby accept the provisions of
 Chapter _____ Laws of 1919, and does covenant and agree with
 _____, owner and lessor of said land and
 he will pay the hail insurance premium assessed against said land during
 the terms of his lease, to the extent of his interest; and that said
 owner and lessor shall have and he is hereby granted a first lien upon
 all of said tenant's share of said crops during the term of this lease.

Dated this _____ day of _____, A. D. 19____.

Tenant.

Witnesses.

Said lien may be enforced in the same manner as a chattel mortgage and with like effect, provided that the benefits of this act shall in any event inure in favor of the owner and lessor as to that portion of the crop which is owned by him, or upon which he has or may acquire a lien by mortgage, legal process or otherwise.

Section 5. That Section 9 of Chapter 244 of the Session Laws of 1919 be amended so as to read as follows:

Section 9. The Commissioner of Hail Insurance is authorized to prepare and have printed the necessary blanks for the purpose of obtaining such information regarding crops and cause the same to be distributed to the various assessors of this state in the same manner as now provided by law for the distribution of assessor's books and blanks

by the county auditor. He shall likewise prepare and have printed and furnished to the various county auditors and to the assessors a sufficient number of the blank statements provided for in Section 15 of this act to supply all persons who may desire to make and file such statements. The several assessors shall deliver to the occupant or owner of each tract or parcel of land assessed by them the necessary blank forms, provided by the Commissioner of Hail Insurance as hereinbefore provided for the making of the statements provided for in Sections 6 and 15 of this act; and the county auditor shall keep on hand and furnish on application the necessary forms for the making of any statement required or permitted by this act.

Section 6. That Section 11 of Chapter 244 of the Session Laws of 1919 be amended so as to read as follows:

Section 11. In preparing the tax lists for each year, the county auditor shall enter in such tax lists opposite the description of each tract, parcel or subdivision of agricultural land, the premium charged against said land. He shall compute the premium by multiplying the number of acres in crop by the number of cents charged for each acre of crop in the district in which said land is situated and the portion of said product entered shall be the same as the portion of such crop as is insured in accordance with the provisions of Sections 4, 15 and 16 of this act; such premium shall be a general tax against the whole of said tract, parcel or subdivision of land in like manner and of the same effect as general state and county taxes and shall be of the same order, participating equally with such general state and county taxes and shall be subject to all the provisions of law relating to general and state taxes except as hereinafter provided. Such premiums shall become payable and delinquent as other general taxes excepting that said premium shall be paid as a whole and not in installments. Provided, that if the landlord or the share-cropper shall have elected to be released from the provisions of this act as to his share in the crop insured as hereinafter provided, the county auditor shall deduct such landlord's or cropper's share of the premium from the total amount of premium charged; and if any specific part or parcel of the land has been exempted from the provisions of this act as hereinafter provided then the acreage contained in said parcel so exempted shall be deducted by the county auditor from the total acreage in computing the premium to be assessed on the entire tract of land.

Section 7. That Section 14 of Chapter 244 of the Session Laws of 1919 be and the same is hereby repealed.

Section 8. That Section 15 of Chapter 244 of the Session Laws of 1919 be amended so as to read as follows:

Section 15. It shall likewise be competent for the person or persons owning or interested in any lands or crops, which would otherwise be subject to the provisions of this act, to exempt such lands or any portion thereof, or his or their share or interest in the crop grown thereon, from the provisions of this act by making and filing, on or before twelve o'clock noon, of the first day of June or on or before twelve o'clock noon of the fifteenth day of June, 1921 (as provided in Section 7) and on or before twelve o'clock noon, of the first day of June or on or before twelve o'clock noon of the fifteenth day of June (as provided in Section 7) of any year thereafter, in the office of the county auditor, a statement, which statement shall be in triplicate, one copy of which shall be delivered to the person claiming the exemption, to the effect that such person elects to exempt such lands and his interest in the crop grown thereon from the operation of the provisions of this act; which statement shall be substantially in the following form:

State of South Dakota,

County of _____

The undersigned, _____

Owner,

_____ Tenant, of the following described agricultural land in said County, to-wit: _____ Section _____ Town _____

(Described land in one section only on each exemption) _____
ship _____ Range _____ and is the owner of _____ of
(State what share)

of the crop growing or to be grown thereon, hereby elects to exempt the above described lands, and his share or interest in the crop grown thereon, from the provisions of the State Hail Insurance Law.

Dated this _____ day of _____, A. D. 19 _____.

Name.

By _____

His duly authorized agent.

In the presence of: _____

Witnesses.

Section 9. That Section 16 of Chapter 244 of the Session Laws of 1919 be amended so as to read as follows:

Section 16. If the owner of the land is also the sole owner of the crop, he shall have sole authority to exempt the same as provided for in the foregoing section. If the land is leased for a money consideration, then the lessee, if he is entitled to the benefits of this act under the provisions of Section 8 hereof, shall have the sole right to elect to make the above provided exemption. If the land is farmed on shares under a cropper agreement, then either the land owner or the cropper, or both, may make and file notices exempting from the operation of this act their several shares and interests in the crop; if both shall file such notices of exemption in the manner and within the time as hereinbefore provided, then both of such parties, as well as the land described in such notices and the whole of the crop grown thereon, shall be excluded from the benefits and exempted from the liabilities of this act; if either the landowner or the cropper shall file such notice of exemption and the other shall fail to do so, then the party filing such notice, and his interest in the crop, shall be exempted and excluded from the liabilities and benefits of this act, but in such case the land upon which the crop is grown, as well as the interest in such crop of the party who has not exempted himself, shall remain subject to the benefits and liabilities of this act. No tenant under any lease or cropping agreement made prior to March 5th, 1919, shall have the right to make or join in the election provided for in Section 15 hereof unless he shall have first filed in the office of the county auditor an acceptance of the provisions of this act as provided by Section 8 hereof; and in the event of the failure of the tenant to accept the liabilities imposed by this act, the owner shall, on or before twelve o'clock noon June first, 1921, or on or before twelve o'clock noon June fifteenth, 1921, (as provided in Section 7) and on or before twelve o'clock noon on June first, or on or before twelve o'clock noon of June fifteenth (as provided in Section 7) each year thereafter, have the right to make and file the notice of election provided for in Section 15 of this act. Provided, that in all cases in this act where the owner of the land is required to file affidavit or statement such affidavit or statement may be made and filed by his duly authorized agent.

Section 10. That Section 23 of Chapter 244, of the Session Laws of 1919, as amended by Section 3 of Chapter 64 of the Laws of the Special Session of June, 1920, be amended so as to read as follows:

Section 23. Payment of all losses will become due October 15th of each year. The Commissioner of Hail Insurance shall issue a voucher approved by the Commissioner of Hail Insurance to the State Auditor in an amount equal to the loss as adjusted, payable as above provided to the insured or his assigns in a manner to be designated by the Commissioner of Hail Insurance. The State Auditor shall, upon presentation, issue his warrant for such voucher and the State Treasurer shall, upon presentation, pay said warrants out of the Hail Insurance Fund.

Section 11. All acts or parts of acts in conflict with the provisions of this act, are hereby repealed.

Section 12. Whereas this act is necessary for the support of the State Government and its existing institutions, an emergency is hereby declared to exist, and this act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1921.

CHAPTER 266.

(H. B. 261.)

RELATING TO INVESTMENT OF FUNDS OF LIFE, HEALTH AND ACCIDENT INSURANCE COMPANIES.

AN ACT Entitled, An Act to Amend Section 9320 of the South Dakota Revised Code of 1919, Relating to Investment of Insurance Funds.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Section 9320 of the South Dakota Revised Code of 1919, is hereby amended to read as follows:

Section 9320. Investment of Capital and Reserve.] Every company organized under the provisions of this chapter shall invest its capital and legal reserve, or any part thereof, in bonds or treasury notes of the United States; in bonds or warrants of this state, or of any state in which such company is or becomes duly authorized to transact business; in bonds or mortgages on unincumbered real property within this state or within any state in which such company is or becomes duly authorized to transact business, worth double the sum loaned thereon exclusive of buildings, unless such buildings are insured and the policies made payable to the company as its interest may appear; in certificates of deposit in any bank in this state; in bonds of any county, incorporated city, town or school district in this state, or within any state in which such company is or becomes duly authorized to transact business, authorized to be issued by legal authority and in lawful manner; and shall loan such capital and legal reserve, or any part thereof, on the security of such bonds, treasury notes, mortgages, certificates or warrants, and change and reinvest the same in like securities as occasion may from time to time require. It may loan to its policyholders sums not to exceed one-half the annual premium on their policies, exclusive of the first policy year, upon notes to be secured by the policies of the person to whom the loan may be made, and it may also make loans upon the security of its own policy to an amount not exceeding ninety-five per

cent of the cash surrender value of each such policy at the time of making any loan. It may loan on mortgage on unincumbered real property and home, built, or to be built, thereon, in any city or town in this state, if owned and occupied by an insurance applicant, or his beneficiary, to the extent of the amount of insurance effected and obtained, provided the building is insured against loss or damage by fire, lightning, tornado, or windstorms and in the event of loss or damage thereto, said loss shall be payable to the mortgagee as its interest may appear and not to exceed five thousand dollars, or in any event sixty per cent of the actual cash value of the mortgaged property. No domestic insurance company shall invest or loan its capital, or any part thereof, except as provided in this section.

Approved March 1, 1921.

CHAPTER 267.

(S. B. 37.)

RELATING TO MUTUAL INSURANCE COMPANIES, EXCEPT LIFE.

AN ACT Entitled, An Act to Provide for the Organization or Admission and the Regulation and Taxation of Mutual Insurance Companies, Other than Life, and Providing Penalties for Violations Hereof.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Any number of persons, not less than twenty, all of whom shall be bona fide residents of this state, who collectively shall own unencumbered personal property of not less than \$50,000.00 in value and also real property to the amount and value of \$100,000.00 over and above all encumbrances, by complying with the provisions of this act, may become together with others who may hereafter be associated with them or their successors, a body corporate for the purpose of carrying on the business of mutual insurance as herein provided.

Section 2. Any persons proposing to form any such company shall subscribe and acknowledge articles of incorporation specifying:

(a) The name, the purpose for which formed, the term of its duration, which shall not exceed thirty years, and the location of its principal or home office, which shall be within the state;

(b) The names and addresses of those composing the board of directors in which the management shall be vested until the first meeting of the members;

(c) The names and places of residence of the incorporators.

(d) The name and residence and the value of the real and personal property owned by the persons respectively so associated to form such corporation.

(e) The number of the members who shall compose the Board of Directors which shall be not less than five nor more than thirteen and the names of the President, Secretary and Treasurer for the first year of its existence and the time, place and the manner of the election of their successors.

Section 3. No name shall be adopted by such company which does not contain the word "mutual" or which is so similar to any name already in use by any such existing corporation, company or association.

organized or doing business in the United States, as to be confusing or misleading.

Section 4. Such articles of incorporation shall be submitted to the commissioner of insurance, hereinafter called "commissioner," and to the attorney general and, after being approved by them, shall be filed and recorded in the office of the secretary of state who shall issue a certificate of incorporation. A copy of such articles, certified by the secretary of state, shall be filed with the commissioner. Such articles may be amended and the corporate existence of any such company may be extended in the manner provided for other corporations or as may be provided in said articles. The directors of such company shall keep a record of its proceedings in a book kept for that purpose together with the names of all persons insured and the amount of insurance issued to every member thereof, which record shall be kept open for inspection to all members of such company at the office of the Secretary thereof.

Section 5. The Company shall have legal existence from and after the date such articles are filed in the office of the secretary of state. The company shall have such powers as are necessary or convenient for the transaction of its business. The board of directors named in such articles may thereupon adopt by-laws, accept applications for insurance, and proceed to transact the business of such company; provided, that no insurance shall be put into force until the company has been licensed to transact insurance as provided by this act. Such by-laws and any amendments thereto shall within thirty days after adoption be filed with said commissioner.

Section 6. Any company organized under the provisions of this act is empowered and authorized to make contracts of insurance or to cede or accept reinsurance on the whole or any portion of any risk for such of the following kinds of insurance as are specified in its articles of incorporation, namely:

(a) Fire Insurance.] Against loss or damage to property and loss or use and occupancy by fire, lightning, windstorm, tornado, cyclone, hail, tempest, flood, earthquake, frost or snow, bombardment, invasion, insurrection, riot, civil war or commotion, military or usurped power, explosion, fire ensuing and explosion, no fire ensuing, except explosion by steam boilers or fly-wheels; against loss or damage by water caused by the breakage or leakage of sprinklers, pumps, or other apparatus, water pipes, plumbing, or their fixtures, erected for extinguishing fires, and against accidental injury to such sprinklers, pumps, other apparatus, water pipes, plumbing or fixtures; against loss or damage to any goods or promises of the assured and loss or damage to the property of another for which the assured is liable, caused by the leakage or roofs, leaders and spouting, or by rain and snow driven through broken and open windows and skylights, or caused by the contents of any tank, or impact of any falling tank, tank platform or supports erected in or upon any building; against the risks of transportation and navigation; upon automobiles, aircraft or other vehicles, whether or not operated under their own power, against loss or damage by any of the causes or risks specified in this sub-section, including also explosion, transportation, collision, liability for damage to property resulting from owning, maintaining or using automobiles, aircraft or other vehicles, and including burglary and theft, but not including loss or damage by reason of bodily injury to the person.

(b) Livestock Insurance.] Against loss or damage to, or death of domestic animals and to furnish veterinary service.

(c) **Liability Insurance.**] Against loss, expense, or liability by reason of bodily injury or death by accident, disability, sickness or disease suffered by others for which the insured may be liable or have assumed liability, including workmen's compensation.

(d) **Disability Insurance.**] Against bodily injury or death by accident and disability by sickness.

(e) **Automobile Insurance.**] Against any or all loss, expense and liability resulting from the ownership, maintenance or use of any automobile, aircraft or other vehicle.

(f) **Steam Boiler Insurance.**] Against loss or liability to persons or property resulting from explosions or accidents to boilers, containers, pipes, engines, fly-wheels, elevators and machinery in connection therewith and against loss of use and occupancy caused thereby, and to make inspections and issue certificates of inspection thereon.

(g) **Fidelity and Surety Insurance.**] To guarantee the fidelity of persons in position of trust, private or public, and to act as surety of official bonds and for the performance of other obligations.

(h) **Plate Glass Insurance.**] To insure against the breakage of glass, local or in transit.

(i) **Burglary Insurance.**] To insure against property loss or damage by burglary, robbery, any larceny, any breaking and entry, or entry without breaking, of any house, building, ship, vessel or railroad car, and loss or damage by forgery.

(j) **Use and Occupancy Insurance.**] Against loss from interruption of trade or business which may be the result of any accident or casualty.

(k) **Miscellaneous Insurance.**] Against loss or damage by any hazard upon any risk not provided for in this section, which is not prohibited by statute or at common law from being the subject of insurance, excepting life insurance.

Section 7. No company organized under this act shall issue policies or transact any business of insurance unless it shall comply with the conditions following, nor until the commissioner has, by formal license, authorized it to do so, which license shall not issue until the company has complied with the following conditions:

(a) It shall hold bona fide applications for insurance upon which it shall issue simultaneously, or it shall have in force, at least twenty policies to at least twenty members for the same kind of insurance upon not less than two hundred separate risks, each within the maximum single risk described herein;

(b) The "maximum single risk" shall not exceed twenty per cent of the admitted assets or three times the average risk or one per cent of the insurance in force, whichever is the greater, any reinsurance taking effect simultaneously with the policy being deducted in determining such maximum single risk;

(c) It shall have collected a premium upon each application the total of which premiums shall be held in cash or securities in which insurance companies are authorized to invest and the total asset shall be equal in case of fire or steam boiler insurance to not less than twice the maximum single risk assumed subject to one fire or to one loss, nor less than ten thousand dollars, and in any other kind of insurance to not less than five times the maximum single risk assumed, and in case of workmen's compensation insurance, to not less than twenty-five thousand dollars, or in lieu of complying with this sub-section and with sub-section (a) of this section, it shall hold a surplus equal to the cap-

ital stock and surplus, if any, required of a domestic stock insurance company effecting the same kinds of insurance;

(d) for the purpose of transacting employer's liability and workmen's compensation insurance the applications shall cover not less than seven hundred and fifty employees, each such employee being considered a separate risk for determining the maximum single risk.

Section 8. Any public or private corporation, board or association or estate in this state or elsewhere may make applications, enter into agreements for and hold policies in any such mutual insurance company. Any officer, stockholder, trustee or legal representative of any such corporation, board, association or estate may be recognized as acting for or on its behalf for the purpose of such membership, but shall not be personally liable upon such contract of insurance by reason of acting in such representative capacity. The right of any corporation or association organized under the laws of this state to participate as a member of any such mutual insurance company is hereby declared to be incidental to the purpose for which such corporation is organized and as much granted as the rights and powers expressly conferred.

Section 9. Every member of the company shall be entitled to one vote, or to a number of votes based upon the insurance in force, the number of policies held, or the amount of premiums paid, as may be provided in the by-laws. Any member of such company may withdraw therefrom at any time by giving ten days' notice to the President in writing, or to the Secretary thereof by paying his share of all claims existing at the expiration of the ten days against such company, and the directors or a majority thereof shall have the power to cancel any policy by giving ten days' notice in writing to the holder thereof and returning the unearned premium paid in by such policy holder.

Section 10. The policies shall provide for a premium or premium deposit payable in cash and, except as herein provided, for a contingent premium at least equal to the premium or premium deposit. Such mutual company may issue a policy without a contingent premium while it has a surplus equal to the capital required of a domestic stock insurance company transacting the same kinds of insurance, and in no event shall the holder of any such policy be liable for a greater amount than the premium or premium deposit expressed in the policy. If at any time the admitted assets are less than the reserve and other liabilities, the company shall immediately collect upon policies with a contingent premium a sufficient proportionate part thereof to restore such assets, provided no member shall be liable for any part of such contingent premium in excess of the amount demanded within one year after the termination of the policy. The commissioner may, by written order, direct that proceedings to restore such assets be deferred during the time fixed in such order.

Section 11. Any director, officer or member of any such company, or any other person, may advance to such company, any sum or sums of money necessary for the purpose of its business or to enable it to comply with any requirements of the law and such moneys and such interest thereon as may have been agreed upon, not exceeding ten per cent per annum, shall be payable only out of the surplus remaining after providing for all reserves and other liabilities and shall not otherwise be a liability or claim against the company or any of its assets. No commission or promotion expenses shall be paid in connection with the advance of any such money to the company, and the amount of such advance shall be reported in each annual statement.

Section 12. Such company shall maintain unearned premium and

other reserves separately for each kind of insurance, upon the same basis as that required of domestic stock insurance companies transacting the same kind of insurance; provided that any reserve for losses or claims based upon the premium income shall be computed upon the net premium income after deducting amounts returned or credited to policy holders other than for losses; provided, that any domestic company which shall be deficient at the time of coming under this act, in providing the reserves required hereby, may, notwithstanding such deficiency, come under this act on the condition that it shall each year thereafter reduce such deficiency at least fifteen per cent of the original amount thereof, and in such case it may increase its assessments accordingly.

Section 13. Any law requiring that policies be countersigned and delivered through a resident agent shall not apply to any policy of such mutual company on which no commission shall be paid to any local agent. Such mutual company may insert in any form of policy prescribed by the law of this state any provisions or conditions required by its plan of insurance which are not inconsistent or in conflict with any law of this state.

Section 14. Any such mutual insurance company organized outside of this state and authorized to transact the business of insurance on the mutual plan in any state, district or territory, shall be admitted and licensed to transact the kinds of insurance authorized by its charter or articles to the extent and with the powers and privileges specified in this act when it shall be solvent under this act, and shall have complied with the following requirements:

(a) Filed with the commissioner a certified copy of its charter or articles;

(b) Filed with the commissioner a copy of its by-laws certified to by its secretary;

(c) Appointed the commissioner its agent for the service of process, in any action, suit or proceeding in any court of this state, which authority shall continue as long as any liability shall remain outstanding in this state;

(d) Filed a financial statement under oath, in such form as the commissioner may require, and have complied with other provisions of law applicable to the filing of papers and furnishing information by stock companies on application for authority to transact the same kinds of insurance;

(e) If organized without the United States, make and maintain a deposit, if any, required of a like mutual insurance company formed in this state for transacting the same kinds of insurance in the country or state in which such foreign company is domiciled;

(f) Its name shall not be so similar to any name already in use by any such existing corporation, company or association organized or licensed in this state as to be confusing or misleading.

Section 15. Every such mutual insurance company, whether organized within or without this state, shall be subject except as otherwise provided by law, to all provisions of law relating to investments, policy forms and conditions, supervision of rates, insolvency and liquidation, prohibition of deceptive statements and advertisements, discrimination and rebates, annual reports and renewal of licenses, and shall submit to such examinations and furnish such information as may be required by the commissioner. As far as practicable such examinations of mutual insurance companies organized outside of this state shall be made in co-operation with the insurance departments of other

states and the forms of annual reports shall be such as are in general use throughout the United States.

Section 16. Except as provided herein or as such companies may be hereafter expressly designated in any other law, insurance companies organized, licensed or admitted to do business in this state under this act shall not be subject to any other law of this state governing insurance companies.

Section 17. The taxable premium, premium deposits or receipts of any mutual insurance company, other than life, organized in or admitted to this state, for the purpose of taxation under any law of this state, shall be the gross premium received for direct insurance upon property or risks in this state, deducting amounts paid for reinsurance upon which a tax has been or is to be paid in this state and amounts returned or credited to policy holders other than for losses. Such mutual insurance companies organized in this state shall pay premium taxes for the same purposes and at the same percentage rates and the same fees as are imposed upon stock insurance companies organized in this state and transacting the same kinds of insurance; and such mutual insurance companies organized outside of this state shall pay premium taxes for the same purposes and at the same percentage rates and the same fees as are imposed upon stock insurance companies organized outside of this state and transacting the same kinds of insurance. Such taxes and fees shall be paid into the state treasury and shall be in lieu of taxes and fees, state, county and municipal, of whatever character, except such taxes on real estate or tangible personal property as may be levied under other provisions of law.

Section 18. Any such mutual insurance company organized or admitted to transact insurance in this state may, by policy, treaty, or other agreement, cede to or accept from any insurance company or insurer reinsurance upon the whole or any part of any risk which reinsurance shall be without contingent liability or participation or membership unless the contract provides otherwise and shall not be effected with any company or insurer disapproved therefor by written order of the commissioner filed in his office.

Section 19. This act shall not apply to or effect any insurance company or association of this state now doing business. Any domestic mutual insurance company or association, other than life, may, however, by resolution of its board of directors, filed in the office of the commissioner and approved by him and by two-thirds vote of the members present and voting at a regular or special meeting held at least thirty days after written notice of such proposal has been mailed to each member at his last known address, elect to adopt and become subject to this act in lieu of any other act or acts governing such company or association. Any company or association so electing and fully complying with this act, may thereafter effect such kinds of insurance as are authorized by this act and specified in its articles of incorporation then in force or as then or thereafter amended and such articles may be amended and the corporate existence of any such company may be extended in the manner provided for other corporations or as may be provided in said articles.

Section 20. Any person or company violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars and the commissioner shall have power to revoke the license of any such person or company.

Section 21. No such domestic mutual insurance company shall at any time or in any manner be reorganized or converted into a corporation with capital stock. Upon dissolution of any such mutual insurance company, all insurance benefits promised in the policies and all liabilities to persons other than members shall first be paid. From the assets remaining, each member shall receive in full or pro rata, as the case may be, all insurance premiums paid by him to the company with interest at the legal rate compounded annually. All assets remaining after the above payments have been made shall be paid into and belong to the permanent school fund as a license fee charged such company upon dissolution.

Section 22. If any part of this act be adjudged invalid, it shall in no wise effect any other part of this act.

Approved March 10, 1921.

CHAPTER 268.

(S. B. 327.)

RELATING TO VALUATION OF SECURITIES.

AN ACT Entitled, An Act to Authorize the Valuation of Bonds and Other Securities Held by Life Insurance Companies, Assessment Life Associations and Fraternal Beneficiary Associations by the Amortization Method.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. All bonds or other evidence of debt having a fixed term and rate held by any life insurance company, assessment life association or fraternal beneficiary association authorized to do business in this state may, if amply secured and not in default as to principal and interest, be valued as follows: If purchased at par, at the par value; if purchased above or below par, on the basis of the purchase price adjusted so as to bring the value to par at maturity and so as to yield in the meantime the effective rate of interest at which the purchase was made; provided that the purchase price shall in no case be taken at a higher figure than the actual market value at the time of purchase; and, provided further, that the Commissioner of Insurance shall have full discretion in determining the method of calculating values according to the foregoing rule.

Approved March 12, 1921.

Intoxicating Liquor

CHAPTER 269.

(S. B. 131.)

RELATING TO ALCOHOLIC PREPARATIONS UNSUITABLE FOR USE AS A BEVERAGE.

AN ACT Entitled, An Act to Amend Section 10328 of the South Dakota Revised Code of 1919, Relating to the Manufacture, Importation, Sale or Keeping for Sale of Bona Fide Medicines, Toilet Articles, Preparations or Compounds Containing Alcohol, Creating a Commission to Examine and Analyze Such Medicines, Compounds, Mixtures and Preparations, Defining its Powers and Duties, and Providing Penalties for Violation.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 10328 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 10328. Medicines, Toilet Articles, Extracts.] Nothing in this article shall be construed or shall operate to prohibit or regulate the manufacture, importation, sale or keeping for sale for other than beverage purposes, by any person, partnership or corporation, of any bona fide medicines, toilet articles, extracts, tinctures, preparations or similar compounds containing alcohol; provided, that such medicines, toilet articles, extracts, tinctures, preparations, or similar compounds are unsuitable for use as a beverage.

There is hereby created a Commission which shall be known as the Alcoholic Preparations Commission, consisting of the State Food and Drug Commissioner, State Sheriff, and Chairman of the State Board of Pharmacy, of which the State Food and Drug Commissioner shall be chairman and the State Sheriff secretary. This Commission shall hold meetings at the state capital or at such other places as may be agreed upon when called by the secretary or at the request of two of the members. A majority of said Commission shall constitute a quorum for the transaction of business. The actual and necessary traveling expenses of the members of said Commission shall be paid from the expense funds of the several departments represented upon the Commission.

It shall be the duty of the Alcoholic Preparations Commission, and it is hereby given power and authority, to summon witnesses, administer oaths, and to cause such witnesses to testify under oath as it may deem necessary, and to examine and analyze or to cause to be examined and analyzed all such bona fide medicines, toilet articles, extracts, tinctures, preparations or similar compounds containing alcohol as may be manufactured, imported, sold, kept, kept for sale or offered for sale in this state, sufficiently to determine which, if any, of such preparations are in fact bona fide medicines, toilet articles, extracts, tinctures, preparations or similar compounds within the meaning of this section, and to compile a list of all such preparations containing alcohol which are found to be suitable for use as a beverage, or which, being imported, or manufactured, or kept, or offered as bona fide medicines, toilet articles, extracts, tinctures, preparations or similar compounds within the protection of this section, are not found to be such in fact.

Notices of the findings of such Commission shall be published every three months and as much oftener as the Commission shall deem necessary in the same manner as the lists of adulterated or misbranded foods are now required to be published by the State Food and Drug Commissioner; and after such publication every person, who either by himself, clerk, servant, agent or employee, shall manufacture, import, sell or keep for sale in this state any of the preparations so listed and published shall be deemed guilty of the intentional violation of the provisions of this article; provided, that nothing contained in this section shall be construed to prevent the prosecution of any person for making, importing, selling, keeping for sale, offering for sale, or keeping for beverage purposes any alleged medicines, toilet articles, extracts, tinctures, preparations or similar compounds containing alcohol, although such medicines, toilet articles, extracts, tinctures, preparations or similar compounds may not be upon the proscribed lists hereinbefore provided for.

Any person violating the provisions of this section shall be punished, in case of a registered pharmacist, as provided in Section 10271, and in all other cases as provided in Section 10246 of the South Dakota Revised Code of 1919.

Section 2. Whereas this Act is necessary for the immediate preservation of the public peace, health, and safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved February 14, 1921.

CHAPTER 270.

(H. B. 104.)

RELATING TO DENATURED ALCOHOL.

AN ACT Entitled, An Act to Regulate the Sale of Denatured Alcohol, Prohibiting its Adulteration, and Prescribing Penalties for Violation.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. It shall be unlawful for any person to keep for sale, offer for sale, or to sell any denatured alcohol which has been diluted or adulterated in any manner whatsoever. For the purposes of this act the term "denatured alcohol" shall be understood to mean ethyl or grain alcohol which has been modified in accordance with any of the formulas prescribed for denaturing ethyl alcohol by the commissioner of internal revenue of the United States Department of the Treasury, except alcohol denatured for medical purposes according to formulas prescribed by said commissioner of internal revenue and commonly known as medicated or bathing alcohol.

Section 2. Label.] It shall be unlawful for any person to sell, offer for sale or have in his possession with intent to sell, offer for sale, give away, deal in or supply any denatured alcohol under or by whatever name or trademark it may be called or known, unless the container in which it is sold, offered for sale, given away, dealt in or supplied shall bear a label printed in red ink on a white background setting forth in a plain and conspicuous manner the name and address of the seller and the following words and device:

POISON! (Skull and Crossbones) CAUTION!
DENATURED ALCOHOL.

To be used for art, mechanical and burning purposes only. **COMPLETELY DENATURED ALCOHOL** is a violent poison. It cannot be applied externally to human or animal tissue without serious injurious results. It cannot be taken internally without inducing blindness and general physical decay, ultimately resulting in death.

Section 3. It shall be unlawful for any person to sell, offer for sale or have in his possession with intent to sell, offer for sale or give away any article of food or drink or any medicinal or toilet preparation, intended for human use internally or externally, which contains any denatured alcohol.

Section 4. For the purposes of this act the term "person" shall be construed to include persons, firms, associations and corporations.

Section 5. The state food and drug commissioner shall be charged with the enforcement of this act.

Section 6. Whoever shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one hundred dollars or imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

Approved February 17, 1921.

CHAPTER 271.

(H. B. 164.)

RELATING TO DRUGGISTS PERMIT AND REPORTS.

AN ACT Entitled, An Act to Amend Sections 10265 and 10268 of the South Dakota Revised Code of 1919, Relating to Permits and Reports of Druggists.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Sections 10265 and 10268 of the South Dakota Revised Code of 1919 be and the same are hereby amended to read as follows:

Section 10265. Affidavit for Order.] Before a wholesale druggist may sell and a retail druggist may purchase any spirituous or vinous liquors for any of the purposes specified in Section 10264, a permit for same shall be secured by such retail druggist from the state sheriff. Such permit may be in force for a period not to exceed ninety days from the date of issuance, and may be issued by the state sheriff upon filing in his office a certified copy of a permit to purchase such liquor issued by the Commissioner of Internal Revenue of the United States under the provisions of an Act passed by the 66th Congress of the United States on the 27th day of October, 1919, and known as the "National Prohibition Act." Provided, that any permit so issued by the state sheriff may be revoked by him for cause at any time.

Section 10268. Monthly Reports by Retailer.] On or before the

fifth day of each month every retail druggist doing business in this state shall file, in the office of the state sheriff, verified reports in duplicate setting forth the amount and kind of intoxicating liquors he had on hand at the beginning of the preceding calendar month, the amount and kind of such liquors he has purchased during such month, the names and addresses of the persons, partnerships or corporations from whom he has purchased such liquors, the time of purchase and quantity purchased from each, the amount used in compounding medicines, extracts, and other preparations, the kind and quantity of such liquors sold, the purpose for which such liquors were sold, and the kind and quantity of intoxicating liquors on hand at the end of such preceding calendar month. Immediately upon the filing of such report, the state sheriff shall transmit one copy of the same to the county auditor of the county from which such report is made. Provided, that any retail druggist doing business in the state of South Dakota who shall file an affidavit with the state sheriff stating that he has no spirituous or vinous liquors on hand and that he has no intention of securing and will not secure any such spirituous or vinous liquors without first notifying the state sheriff in writing, need not make a monthly report as required by this article until such time as he may desire to handle such spirituous or vinous liquors.

Approved February 16, 1921.

CHAPTER 272.

(S. B. 127)

RELATING TO SACRAMENTAL WINE.

AN ACT Entitled, An Act Regulating the Sale, Purchase and Transportation of Vinous Liquors for Sacramental Purposes, and Providing a Penalty.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Wholesale and retail druggists who have secured a permit as now provided by law may sell vinous liquors to any priest or minister regularly employed by any religious organization or association within the state of South Dakota for sacramental purposes upon the written order of the state sheriff. Such order shall be executed by the state sheriff in duplicate, one shall be filed in his office and the other shall be forwarded to the person, firm or corporation from whom such vinous liquors are to be purchased. Such order shall be issued only to the priest or minister regularly employed by any religious organization or association within the state of South Dakota for whom it is purchased, upon his written affidavit. Such affidavit shall state the name and address of the affiant; the name and address of the religious organization or association for which the vinous liquors are being secured; that affiant is a regularly ordained priest or minister regularly employed by such religious organization or association within the state of South Dakota and is over twenty-one years of age; that such vinous liquors are desired for sacramental purposes only and that they are not intended to be used as a beverage nor for sale or gift, and the name and address of the person, firm or corporation from whom it is desired to purchase such vinous liquors. The state sheriff is authorized to refuse to issue such orders herein provided for upon

proof to his satisfaction that the applicant for such order is or has, been using or intends to use the vinous liquors so obtained for other than sacramental purposes and such order shall never be issued for more than twelve gallons in any one calendar year to each priest or minister. And provided, that if any regularly ordained priest or minister regularly employed by any religious organization or association within the state of South Dakota shall make an application accompanied by an affidavit, which affidavit shall have the written approval of the highest executive officer of the religious organization or association having jurisdiction in the state, stating that any portion (giving the amount) of the vinous liquors ordered for sacramental purposes has been lost, or destroyed in transit and has not been received by the applicant, the state sheriff may in his discretion issue an order to any wholesale or retail druggist holding a permit under the laws of South Dakota or to any person, firm or corporation outside of the state as provided for in this article authorizing him during the calendar year in which such liquors were lost or destroyed to sell and ship to such priest or minister regularly employed by any religious organization or association within the state of South Dakota an additional quantity of such vinous liquors equal to the amount so lost or destroyed.

Section 2. Instead of purchasing such vinous liquors from wholesale or retail druggists holding a permit under the laws of South Dakota, any priest or minister regularly employed by any religious organization or association within the state of South Dakota may purchase vinous liquors for sacramental purposes only of firms, persons, or corporations outside of the state and cause the same to be shipped into the state by first procuring an order therefor from the state sheriff as provided in Section 1 hereof, and it shall be unlawful for any priest or minister of any religious organization or association to purchase vinous liquors for sacramental purposes, or to ship or cause to be shipped into the state any such vinous liquors without first complying with the provisions of this act.

Section 3. Whenever it is desired to ship or transport any such vinous liquors for sacramental purposes, the state sheriff shall, at the time of issuing the order for the purchase of such vinous liquors, also issue a permit to the common carrier designated to transport or carry said vinous liquors, which permit shall bear the signature of the state sheriff and the seal of his office, giving permission to such common carrier to ship, carry and transport such liquors from the place therein named to the person and place therein designated and such permit, with the printing and writing and such seal thereon in plain sight, shall be securely fastened to the outside of the container of such liquors, and it shall be unlawful for any common carrier to accept for shipment, to have in its possession, or to ship, transport or carry or deliver to any person in the state of South Dakota, any such vinous liquors which shall not have securely fastened to the outside of the container of such liquors, the permit with the printing and writing and seal thereon in plain sight as herein provided, and it shall be unlawful for any person to accept or receive from any common carrier any such vinous liquors which shall not have such permit upon the container as herein provided.

Section 4. It shall be lawful for any priest or minister regularly employed by any religious organization or association within the state of South Dakota to keep and have in his possession and to carry with him any vinous liquors for sacramental purposes only which have been procured in the manner herein provided.

Section 5. Any person, common carrier, agent or employee of any person or common carrier who shall violate any of the provisions of this Act shall for the first offense be punished by a fine of not less than \$250 and not more than \$1000 or by imprisonment in the county jail for not less than three months or by both such fine and imprisonment, and for each violation of any of the provisions of this Act subsequent to the first one, he shall be punished by a fine of \$1000 or imprisonment in the state penitentiary for not more than two years or by both such fine and imprisonment.

Section 6. All acts and parts of acts, in so far as the same are in conflict with the provisions of this Act, are hereby repealed.

Section 7. Whereas there is now no adequate law governing the subject matter of this Act, and this Act is necessary for the immediate preservation of the public peace, health and safety, an emergency is hereby declared and this Act shall be in force and effect immediately upon its passage and approval.

Approved February 14, 1921.

Joint Resolutions

CHAPTER 273.

(H. J. R. 5)

FOR THE DISPLAY OF THE FLAG ON MOTHER'S DAY.

A JOINT RESOLUTION Calling Upon the People of this State to Display the National Colors Annually on "Mother's Day," the Second Sunday in May, in Honor of the Homes of Our State and Country.

WHEREAS, The service rendered the United States by the American mother is a supreme source of the country's strength and inspiration; and

WHEREAS, We honor ourselves and the mothers of our homes and America when we do anything to give emphasis to the home as the fountain head of the state; and

WHEREAS, The American mother has done, and is doing, so much for the home, the moral uplift and religion, hence so much for good government, patriotism and humanity; therefore

Be It Resolved by the House of Representatives of the State of South Dakota, the Senate Concurring:

That the governor of this State is hereby authorized and requested to issue annually a proclamation calling upon the state officials to display the United States flag on all state and school buildings, and the people of the state to display the flag at their homes, lodges, churches and places of business, and other suitable places, on the second Sunday in May, known as "Mother's Day," founded by Anna Jarvis, of Philadelphia, as a public expression of love and reverence for the Mothers of our state and other women serving it, and as an inspiration for better homes and closer ties between the home and the Commonwealth.

CHAPTER 274.

(S. J. R. 2)

RELATING TO PUBLICATION OF ACTS OF THE SPECIAL SESSIONS OF THE SIXTEENTH LEGISLATURE.

A JOINT RESOLUTION Relating to the Publication of the Laws of the Special Sessions of 1919 and 1920.

A joint resolution requiring the publication of the laws passed at the special sessions of the sixteenth Legislature of the State of South Dakota, begun and held at Pierre, the Capitol, on December 2nd and concluded December 4th, 1919, and also a special session begun and held at Pierre, the Capitol, June 21st and concluded June 29th, 1920.

Be It Resolved by the Senate of the State of South Dakota, the House of Representatives Concurring:

That the laws passed at the special sessions of the sixteenth Legislature of the State of South Dakota, begun and held at Pierre, the Capitol of the said State, on the 2nd day of December and concluded on the 4th day of December, 1919, and the special session held at Pierre, the Capitol of said State, begun on the 21st day of June and concluded on the 29th day of June 1920, be and hereby are required to be published in the same volume with the session laws of the State of South Dakota passed at the present session here assembled.

CHAPTER 275.

(S. J. R. 9)

RELATING TO DISPOSAL OF USELESS BOOKS, ETC., IN STATE HOUSE.

A JOINT RESOLUTION To Provide for the Cleaning Up of Useless Books, Documents and Other Materials that has Accumulated in the State House.

Be It Resolved by the Senate of the State of South Dakota, the House of Representatives Joining:

WHEREAS, the various State Departments have a large accumulation of books, documents, papers and other material which have become useless and of little value; and,

WHEREAS, the same have been stored in the basement of the State House and take up room needed for other purposes and are becoming a serious fire menace;

THEREFORE, Be It Resolved, that a Board consisting of the Presiding Judge of the Supreme Court, the Secretary of State and the Custodian of the State House, be, and is hereby created with authority to make such disposition of said useless books, documents, papers and other material as they may deem necessary.

Provided, however, that the said Board make no disposition of the cuts of former or present members of the Legislature until July 1st, 1921, and before that time the said Board is hereby authorized to give

to such present or former members of the Legislature their own cuts upon application being made for the same to any member of the said Board.

Be It Further Resolved, that any and all moneys received for any material sold under the provisions of this Resolution be deposited with the State Treasurer to be credited to the General Fund of the State.

Justice of the Peace

CHAPTER 276.

(S. B. 118)

RELATING TO FEES.

AN ACT Entitled, An Act to Amend Section 5222 of the South Dakota Revised Code of 1919, Relating to Justice of the Peace Court.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 5222 of the South Dakota Revised Code of 1919, be, and the same is hereby, amended to read as follows:

Section 5222. Fees.] Justices of the peace shall be entitled to charge and receive the following fees:

Docketing each cause, fifty cents.

Taking affidavit, twenty-five cents.

Filing complaint, bill of particulars or other paper necessary in a cause, ten cents.

Issuing summons, order of arrest or venire for jury, fifty cents.

Issuing subpoena, twenty-five cents.

Issuing execution, order of sale, writ of attachment, and entering return thereof, one dollar.

Issuing writ of restitution and entering return thereof, one dollar.

Administering oath or affirmation to witness, ten cents.

Entering judgement in any cause, one dollar.

Taking acknowledgement of deed or other instrument, twenty-five cents.

Swearing jury, twenty-five cents.

Copy of appeal, certiorari or copy of pleadings or other papers for any purpose, for each ten words, one cent.

Taking depositions, for each ten words, one cent.

Certificate, twenty-five cents.

Issuing warrant or mittimus, fifty cents.

Taking information or complaint, fifty cents.

Discharge to jailer, twenty-five cents.

Dismissal, discontinuance or satisfaction, fifty cents.

Written notice to party or parties, twenty-five cents.

Filing notice and opening for rehearing, fifty cents.

Each adjournment, fifty cents; but no fee shall be allowed for an adjournment from one hour to another hour of the same day.

Performing marriage ceremony, three dollars.

Each day's attendance upon trial of a cause, for the first three hours or fraction thereof, one dollar, and for every additional three hours of the same day, one dollar; provided, that when more than one action to which this state or any county is a party is tried on the same day, not more than one fee shall be allowed for such day's attendance.

Taking and approving bail bond, twenty-five cents.

Entering voluntary appearance of defendant, twenty-five cents.

Issuing attachment, fifty cents.

Entering motion or rule, ten cents.

Rule of reference to arbitrators, fifty cents.

Entering award of arbitrators, fifty cents.

Commission on money collected on judgment without execution, one per cent on the amount.

Approved February 19, 1921.

Leases

CHAPTER 277.

(S. B. 47)

RELATING TO LEASES OF REAL PROPERTY.

AN ACT Entitled, An Act to Amend Section 296 of the South Dakota Revised Code of 1919, Relating to the Leasing of Real Property.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 296 of the South Dakota Revised Code of 1919 is hereby amended to read as follows:

Section 296. Leases Limited.] No lease or grant of agricultural land for a longer period than ten years, in which shall be reserved any rent or service of any kind, shall be valid.

No lease or grant of any town or city lot for a longer period than ninety-nine years, in which shall be reserved any rent or service of any kind, shall be valid.

Approved February 14, 1921.

Legislature

CHAPTER 278.

(S. B. 313)

RELATING TO LEGISLATIVE APPORTIONMENT.

AN ACT Entitled, An Act to Re-Enact Section 5075 of the Revised Code of 1919, and Providing for Membership and Apportionment of the Legislature as Now Provided for by Sections 5076 and 5077 of the Revised Code of 1919, and Re-Enacting Said Sections.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. The Senatorial districts and the number of Senators apportioned to each district shall continue to be the same as now provided in Section 5076 of the Revised Code of 1919 which section shall be and remain in full force and effect.

Section 2. The representative districts and the number of representatives apportioned to each district shall continue to be the same as is now provided in Section 5077 of the Revised Code of 1919 which section shall be and remain in full force and effect.

Section 3. Section 5075 of the Revised Code of 1919 is hereby re-enacted.

Approved March 12, 1921.

Legislative Expense

CHAPTER 279.

(S. B. 38)

RELATING TO EXPENSE ALLOWANCE FOR MEMBERS OF THE LEGISLATURE.

AN ACT Entitled An Act to Provide for Payment of Expenses of the Members of the Legislature While Absent from the Place of Their Legal Residence in the Discharge of Their Duties as Such Members of the Legislature and to Provide for an Allowance to Such Members of the Legislature When They Live at the State Capitol During the Regular Session of the Legislature and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That whenever a member of the State Legislature, whose legal residence shall be at some other place than the State Capitol, shall attend any regular session of the State Legislature at the State Capitol there shall be paid each such member in consideration of the expense incidental to traveling to the State Capitol and the increased expense of living at a place other than his legal residence during the

regular session of the Legislature the fixed sum of two hundred dollars (\$200.00) to cover the expenses of such members incident to their being away from home in the discharge of their duties, which fixed sum shall be paid to each such member of the Legislature at the close of the regular session which such member attended upon certified vouchers of each such member being filed in the office of the State Auditor.

Section 2. Whereas this act is immediately necessary for the support of the State Government and its existing public institutions an emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage and approval.

Approved January 31, 1921.

Liens

CHAPTER 280.

(H. B. 242)

RELATING TO MECHANICS' LIENS.

AN ACT Entitled, An Act to Amend Section 1644 of the South Dakota Revised Code of 1919, Relating to Extent and Amount of Liens.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 1644 of the South Dakota Revised Code of 1919, be and the same is hereby amended to read as follows:

Section 1644. Extent and Amount of Lien.] If the contribution be made under a contract with the owner and for an agreed price, the lien as against him shall be for the sum so agreed upon together with the cost of any additional material or work agreed upon, otherwise, and in all cases as against others than the owner, it shall be for the reasonable value of the work done, and of the skill, material and machinery furnished. It shall not extend to nor affect any rights in any homestead, so far as the same is exempt from levy and sale on execution.

Approved March 1, 1921.

CHAPTER 281.

(H. B. 120)

RELATING TO LIEN FOR THRESHERS OF GRAIN AND SHELLERS OF CORN.

AN ACT Entitled, An Act Amending Sections 1683, 1684 and 1685 of the South Dakota Revised Code of 1919, Providing for a Lien for Threshers of Grain and Shellers of Corn, and for the Filing of the Same.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 1683 of the Revised Code of the State of South Dakota for 1919 be amended to read as follows:

Section 1683. Threshers and Shellers Lien Upon Grain and Corn.] Every person owning and operating a threshing machine or corn

sheller shall have a lien from the date of threshing or shelling upon all grain threshed or corn shelled by him with such machine for the value of the services so rendered in doing such threshing or shelling. Provided. That the provisions of this section shall not apply to an innocent purchaser of the grain or corn after the threshing or shelling unless the said lien be filed within ten days.

Section 2. That Section 1684 of the Revised Code of the State of South Dakota for the year 1919 be amended to read as follows:

Section 1684. Priority of Liens.] Said Liens shall have priority over all other liens and encumbrances upon said grain or corn if filed within twenty days from the day on which said threshing or shelling was completed.

Section 3. That Section 1685 of the Revised Code of the State of South Dakota for 1919 be amended to read as follows:

Section 1685. Statement To Be Verified and Filed.] Any person entitled to a lien under this article shall make an account in writing stating the kind of grain or corn and the number of bushels threshed or shelled, the price agreed upon for such work, which shall not be in excess of the price usually charged for such services, the name of the person for whom said threshing or shelling was done, and a description of the land upon which said grain or corn was grown and after making oath to the correctness of the account shall file the same in the office of the register of deeds of the county in which the person owning such grain or corn resides, except when said person resides in an unorganized county, and in such cases such statements shall be filed in the county to which said unorganized county is attached for judicial purposes.

Approved February 9, 1921.

Limitation of Actions

CHAPTER 282.

(H. B. 14)

RELATING TO TIME OF COMMENCING ACTIONS.

AN ACT Entitled, An Act to Amend Sections 2298 and 2299 of the South Dakota Revised Code of 1919, Relating to Limitation of Actions.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 2298 of the South Dakota Revised Code of 1919 be, and the same is hereby amended to read as follows:

Section 2298. Within Six Years.] Within six years.

1. An action upon a contract, obligation or liability, express or implied, excepting those mentioned in the three preceding sections;

2. An action upon a liability created by statute, other than a penalty or forfeiture;

3. An action for trespass upon real property;

4. An action for taking, detaining, or injuring any goods or chattels, including actions for the specific recovery of personal property;

5. An action for criminal conversation or for any other injury to the rights of another not arising on contract and not hereinafter specifically enumerated.

6. An action for relief on the ground of fraud, in cases which heretofore were solely cognizable by the court of chancery, the cause of action in such cases not to be deemed to have accrued until the discovery, by the aggrieved party, of the facts constituting the fraud.

Section 2. That Section 2299 of the South Dakota Revised Code of 1919 be, and the same is hereby amended to read as follows:

Section 2299. Within Three Years.] Within three years.

1. An action against a sheriff, coroner or constable, upon a liability incurred by the doing of an act in his official capacity, and in virtue of his office, or by the omission of an official duty, including the non-payment of money collected upon an execution. But this section shall not apply to an action for an escape:

2. An action upon a statute, for a penalty or forfeiture, where the action is given to the party aggrieved, or to such party and the state, except where the statute imposing it prescribes a different limitation.

3. An action for personal injury.

Approved January 31, 1921.

Malicious Mischief

CHAPTER 283.

(S. B. 112)

RELATING TO THE DESTRUCTION OR ATTEMPTED DESTRUCTION OF PROPERTY BY FIRE OR EXPLOSIVES.

AN ACT Entitled, An Act to Amend Sections 4327, 4329, 4330 of the South Dakota Revised Code of 1919, Relating to the Malicious Destruction or Attempted Destruction of Property by Fire or Explosives, and Providing Penalties Therefor.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 4327 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 4327. Destroying or Attempting to Destroy Property by Fire or Explosives.] Every person who wilfully burns or attempts to burn any building not the subject of arson, any stack of grain of any kind, or of any hay, any growing or standing grain, grass, trees, fence, bridge, or any wagon, carriage, car or other vehicle, not the property of such person, or who wilfully destroys or attempts to destroy by the use of explosives, any of the classes of property hereinbefore described, or any street, highway, railway, dam, dyke, or other structure, not the property of such person, although the same is done under such circumstances as not to endanger the life or safety of any human being, shall be deemed guilty of felony and is punishable by imprisonment in the State Penitentiary not exceeding four (4) years, and not less than one year, or by imprisonment in a county jail not exceeding one year.

Provided however that this section shall not apply to any property destroyed to prevent the spread of any fire, under the direction of any fire or Police Chief of any town or city.

Section 2. That Section 4329 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 4329. Destroying Building with Gunpowder or Other Explosive.] Every person who maliciously, by the explosion of gunpowder or other explosive substance, destroys, throws down, or injures the whole or any part of any building, or any wagon, carriage, car or other vehicle, or any street, highway, railway, bridge, dam, dyke or other structure, by means of which the life or safety of any human being is endangered, is punishable by imprisonment in the state penitentiary not exceeding ten years and not less than three years.

Section 3. That Section 4330 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 4330. Endangering Human Life with Explosive.] Every person who takes in, upon, under, against, or near to any building, wagon, carriage, car or other vehicle, or any street, highway, railway, bridge, dam, dyke or other structure, any gunpowder or other explosive substance, with intent to destroy, throw down or injure the whole or any part thereof, under circumstances that, if such intent were accomplished, human life or safety would be endangered thereby, although no damage is done, is guilty of a felony.

Approved February 15, 1921.

Marks and Brands

CHAPTER 284.

(S. B. 7)

RELATING TO HIDES OF BRANDED CATTLE SLAUGHTERED.

AN ACT Entitled, An Act to Amend Section 8141 of the South Dakota Revised Code of 1919, Relating to Marks and Brands, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 8141 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 8141. Hides to be Kept Ten Days.] Any person who shall slaughter any cattle for beef, either for home consumption or other purposes, shall keep the hide of any branded animal so slaughtered for a period of not less than ten days, subject to inspection by any person.

Section 2. Whereas, this Act is necessary for the immediate preservation of the public health, peace and safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved February 5, 1921.

CHAPTER 285.

(S. B. 253)

RELATING TO MARKS AND BRANDS.

AN ACT Entitled, An Act to Provide for the Elimination from the Records, Conflicting and Duplicate Brands, Prescribing the Methods to be Used, and Providing Penalties for Violations.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Cancellation of Conflicting or Duplicate Brands.] It shall be the duty of the Brand Commission to cancel from record any and all brands which may have been recorded in conflict with a previously recorded brand.

Section 2. Priority of Date or Record to Govern.] Whenever a brand or brands shall have been recorded in conflict with another brand, or in duplicate thereof, the prior record shall govern.

Section 3. Owners of Canceled Brands allowed new brands without expense.] Whenever a brand or brands be canceled as provided by Section 1 of this Act, the owner of such brand or brands shall be allowed to select a new brand or brands in lieu thereof which will not conflict with any other brand of record, by making application as in the case of a new brand, and without expense to the applicant.

Section 4. Compensation to Brand Commission.] Members of the Brand Commission shall receive the same compensation for examining the records and passing on applications for brands in lieu of those canceled as for new applications, such compensation to be paid out of the Brand Fund.

Section 5. Penalty for Using Canceled Brand. Any person using a brand which has been canceled under the provisions of this Act, shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not to exceed one hundred dollars, or imprisonment of not to exceed thirty days, or both such fine and imprisonment.

Approved March 11, 1921.

Mines and Mining

CHAPTER 286.

(S. B. 163)

RELATING TO EXPENSES OF INSPECTOR OF MINES.

AN ACT Entitled, An Act to Provide for the Payment of Traveling Expenses of the State Inspector of Mines; Amending Section 8716, of the South Dakota Revised Code of 1919, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 8716 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 8716. Mileage.] The inspector shall be allowed his actual and necessary traveling, hotel and other expenses incurred in the discharge of his duties, which shall be paid upon warrants issued by the State Auditor upon duly itemized vouchers.

Section 2. The Revised Code of 1919 having by error omitted to make express provision for the payment of the necessary hotel expenses of the mine inspector, the State Auditor is hereby authorized, upon the presentation of duly itemized vouchers for such expenses incurred since the code became effective, to issue warrants upon the Expense Fund of the mine inspector for the expenditures so incurred by him.

Section 3. Whereas, this Act is necessary for the immediate support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1921.

Moratorium

CHAPTER 287.

(S. B. 98)

RELATING TO THE MORATORIUM ACTS.

AN ACT Entitled, An Act to Repeal Sections 1, 2, 3, 4, 6, 7, 8, 9, 10, 11 and 12 of Chapter 55 of the Laws of the Special Session of 1918, as Amended by Sections 1, 2, 3 and 5 of Chapter 262 of the Session Laws of 1919, Relating to the Moratorium.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Sections 1, 2, 3, 4, 6, 7, 8, 9, 10, 11 and 12 of Chapter 55 of the Laws of the Special Session of 1918, as Amended by Sections 1, 2, 3 and 5 of Chapter 262 of the Session Laws of 1919, be and the same are hereby repealed.

Approved February 19, 1921.

Mortgages

CHAPTER 288.

(H. B. 112)

RELATING TO EXECUTION OF CHATTEL MORTGAGES.

AN ACT Entitled, An Act to Amend Section 1577 of the South Dakota Revised Code of 1919, Relating to the Execution of Mortgage of Personal Property.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 1577 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 1577. A mortgage of personal property must be signed by the mortgagor in the presence of two persons, who must sign as witnesses thereto or it may be acknowledged before some officer qualified by the laws of the State of South Dakota to take acknowledgements, and in either case no further proof is required to admit it to be filed.

Approved March 1, 1921.

CHAPTER 289.

(S. B. 99)

RELATING TO FORECLOSURE OF CHATTEL MORTGAGES.

AN ACT Entitled, An Act to Amend Section 1590 of the South Dakota Revised Code of 1919, Relating to Places of Sale Under Foreclosure of Chattel Mortgages.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 1590 of the South Dakota Revised Code of 1919 be amended to read as follows:

Section 1590. County Commissioner to Establish Places of Sale.] The board of county commissioners of the several counties shall, at a regular meeting at least once each year, designate at least three public places in their respective counties for the sale of chattels under this article, which shall be the only market places for such sales, unless a different place is designated in the mortgage when the sale may be held in such place; provided, that the mortgagor and mortgagee may at the time of seizure designate by written agreement any other place in the county or adjoining county, as the place of sale, except in cases where the mortgagor has abandoned the mortgaged property, in which event the mortgagee may designate the place for holding said sale, but must designate some place within the county or adjoining county; provided further, that growing or harvested crops, grain in bulk, stocks of merchandise, buildings, lumber, cordwood and heavy machinery or other immovable property may be sold under the provisions of this article, at the place where such property is located at the time of seizure, and stocks of merchandise may be sold in any suitable building located in the city, town or village where the same is seized.

Approved March 12, 1921.

CHAPTER 290.

(S. B. 145)

RELATING TO FORECLOSURE OF CHATTEL MORTGAGES.

AN ACT Entitled, An Act to Amend Section 1593 of the South Dakota Revised Code of 1919 Relative to Publication and Other Fees on Foreclosure of Chattel Mortgages.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That section 1593 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 1593. Fees.] 1. The fees for publication of notice under the provisions of this article shall be computed at the same rate as that fixed for other legal notices under the provisions of section 7072 of this code.

2. The officer making the sale shall be allowed the same fees as are allowed by law for levying upon and selling personal property under execution.

3. No greater charge shall be valid for the keeping of livestock between the date of its seizure and the date of sale than is now provided by law for the keeping of livestock when impounded.

Approved February 21, 1921.

Mothers' Pensions

CHAPTER 291.

(H. B. 313)

RELATING TO MOTHERS' PENSIONS.

AN ACT Entitled, An Act to Amend Sections 10023 and 10025 of the Revised Code of 1919, as Amended by Chapter 263 of the Session Laws of 1919, and Section 10030 of the Revised Code of 1919, Relating to Mothers' Pensions, and Aid for Needy Expectant Mothers.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 10023 of the Revised Code of 1919 as amended by Chapter 263 of the Session Laws of 1919, be and the same is hereby amended to read as follows:

Section 10023. Allowance by County.] For the partial support of any woman whose husband is dead, whose husband becomes permanently disabled for work by reason of physical or mental infirmity or whose husband is a prisoner in the state penitentiary, or any woman who has been divorced from her husband in this state for a period of one year or more, when such woman is pregnant or has a child or children under the age of sixteen years whom she is unable to support, and such mother and child or children have had a residence in this state for one year and in the county for six months

before making application therefore, such county shall have authority and be required to make an allowance to such woman upon petition and notice as provided in this chapter, which petition and notice shall be prepared by the states attorney of the county without charge to the petitioner of the county, as follows: Not to exceed \$22.50 per month, when such woman is pregnant or has but one child under the age of sixteen years, and if she has more than one child under the age of sixteen years, it shall not exceed \$22.50 per month for the first child and not to exceed ten dollars per month for each of the other children under the age of sixteen years. The order making such allowance shall not be effective for a longer period than six months, but upon the expiration of such period the judge of the county court may from time to time, extend such allowance for a period of six months or less, if the court is satisfied that such order for extension is proper. The County shall also have authority to provide the necessary medical, surgical and hospital services and supplies for needy expendant mothers.

Section 2. That Section 10025 of the Revised Code of 1919 as amended by Chapter 263 of the Session Laws of 1919, be and the same is hereby amended to read as follows:

Section 10025. When Allowance Ceases. Whenever any child shall reach the age of sixteen years, any allowance made to the mother of such child for the benefit of such child shall cease. The county Judge may in his discretion, at any time before such child reaches the age of sixteen years, discontinue or modify the allowance to any mother for such child.

Section 3. That Section 10030 of the Revised Code of 1919, be and the same is hereby amended to read as follows:

Section 10030. Duty of Commissioners.] It shall be the duty of the board of county commissioners to provide, out of the money in the county treasury, such sum each year as will meet the requirements of the county court and will pay the allowance made by such court as provided in this chapter; and to provide such money such board shall levy a tax, not to exceed one-half of a mill on the valuation of taxable property of the county. The county auditor shall issue the warrants to pay such allowances upon the order of the judge of the county court and the county treasurer shall pay the same.

Approved March 12, 1921.

Motor Vehicles

CHAPTER 292.

(H. B. 368)

RELATING TO MOTOR FUEL TAX.

AN ACT Entitled, An Act Providing for the Payment of a License Tax Upon Motor Fuel Used or to be Used in Motor Vehicles Upon the Highways of this State; the Proceeds of Such Tax to be Used for Highway Purposes; Prescribing the Method of Collecting Such License Tax, and the Method of Securing Exemption Therefrom in Proper Cases, and Providing Penalties for the Violation of the Act.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Except as otherwise provided in this Act, a license tax of one cent (1c) per gallon is hereby imposed on and after January 1, 1922, upon all motor fuel owned, kept, sold or used for the purpose of furnishing fuel or motive power for motor vehicles traveling upon the highways of the State of South Dakota; being a license tax upon the privilege of using such motor fuel in motor vehicles upon the highways of this State; and all funds accruing from such tax shall be used as provided in the statutes now or hereafter to be enacted regulating the use and disposition of highway funds. For the purposes of this Act the term "motor fuel" shall be construed to include gasoline and every other liquid, except kerosene, used or sold for use as fuel in the engines of motor vehicles.

Section 2. At the time of inspecting or testing any petroleum products, as provided in Article VIII of Chapter 11, Part 14, Title 6 of the Revised Code of 1919, the inspector shall deliver to the owner or other person for whom he shall examine or test such petroleum products a certificate showing the number of gallons of "motor fuel," as hereinbefore defined, examined or tested by him at such time and which is subject to the tax provided for in this Act; and the inspector shall also forthwith mail a copy of such statement or certificate to the State Auditor.

Section 3. On or before the tenth day of every month, every person, firm or corporation shipping motor fuel into this State, or receiving the same for sale in the State, or producing or in any manner holding the same for sale in this State, which motor fuel while in his possession is subject to examination or testing by the inspector of petroleum products, shall report to the State Auditor every such shipment, receipt or production of any quantity of motor fuel made during the preceding calendar month. This report shall give the number of gallons of motor fuel, the name of the person, firm or corporation receiving the same and the destination or point of receipt of every such lot or shipment and the report shall be accompanied by the correct remittance to cover the tax on such motor fuel provided for in Section 1 of this Act. The State Auditor shall receipt for such payments and shall forthwith pay over all such remittances to the State Treasurer, and all such remittances shall be placed in the State Highway Fund, and the same are hereby appropriated to be used for the purposes for which the State

Highway Fund may be expended under the provisions of Section 54 of Chapter 333, Laws of 1919; and the laws amendatory and supplemental thereto. Any person, firm or corporation from whom such report and remittance is required under the provisions of this Act who shall fail to make such report and remittance within the time provided in this section shall, in addition to other penalties provided by law, be subject to a penalty of ten dollars (\$10.00) for each day's delay in making such report and remittance beyond the time hereinbefore provided; which penalty, as well as the amount of the tax due, may be recovered in a civil action in any Court of competent jurisdiction, brought by the Attorney General or the States Attorney of the proper county in the name of the State of South Dakota for the benefit of the State Highway Fund.

Section 4. Every person, firm or corporation paying such license tax, either directly to the State or as a part of the purchase price of such motor fuel, shall be entitled to charge and collect the sum of one cent (1c) per gallon on such motor fuel sold by him, as a part of the selling price of such motor fuel; provided, that the payment of such license tax shall not be required from one who purchases such motor fuel in good faith for the sole purpose of using the same in a stationary engine or in a motor tractor elsewhere than upon the public highways, or for manufacturing, domestic or scientific purposes and not for use in a motor vehicle upon the public highways. Nor shall the payment of such license tax be required upon motor fuel to be used in vehicles belonging to the State government or its subdivisions or departments or upon that used in municipal fire wagons and engines and police patrol wagons; provided, the purchaser shall make and deliver to the vendor of such motor fuel at the time of such purchase a declaration or certificate in such form as the State Auditor may prescribe, clearly showing that such motor fuel is not intended and will not be used in motor vehicles upon the public highways.

Section 5. Every person, firm or corporation who shall have paid such license tax directly or indirectly upon any such motor fuel and who shall thereafter in good faith have sold the same or any part thereof without collecting such license tax from the purchaser, and shall in such cases have taken an exemption statement or certificate from the purchaser as hereinbefore required, shall be entitled to receive from the State Highway Fund the amount of such exemptions so properly allowed, upon filing with the State Auditor, on or before the tenth day of each month, a verified statement for the preceding calendar month, in such form as the State Auditor may prescribe, showing the amount of the exemptions so allowed, the purposes for which and the persons to whom they were allowed and such other information as the Auditor may require, together with the original exemption statements signed by the purchasers upon which such exemptions were allowed; upon the allowance of such claims, the State Auditor shall issue the necessary warrants for the payment of the same upon the State Highway Fund.

The State Auditor, with the advice and assistance of the State Inspector of Petroleum Products shall prepare the necessary forms for all reports, claims, statements and certificates required under the provisions of this Act, and each vendor of motor fuel shall keep on hand at all times a sufficient number of exemption certificates for the use of purchasers. The State Auditor, the Attorney General, the State Sheriff and the State Inspector of Petroleum Products shall be charged with the enforcement of the provisions of this Act, and each of said officers shall

at all times have access to all reports, certificates and claims on file, and to the books and records of any person, firm or corporation engaged in dealing in motor fuel within this State.

Section 6. Every person, firm or corporation from whom any report or remittance is required to be made under the provisions of this Act and who shall wilfully fail or neglect to make the same within the time provided by this Act, and every person who shall knowingly make a false or inaccurate claim of exemption hereunder, or who, having purchased motor fuel under a claim of exemption from the license tax hereinbefore provided, shall knowingly thereafter use the same to propel motor vehicles upon the public highways, and every vendor of motor fuel who shall knowingly accept any false, fraudulent or inaccurate claim of exemption from such tax, shall be deemed guilty of a misdemeanor and be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00), or by imprisonment in the county jail for not more than sixty (60) days, or by both such fine and imprisonment.

Every person who shall knowingly file with the State Auditor any false or fraudulent claim for the re-payment to him of moneys from the State Highway Funds, under the provisions of this Act, shall be deemed guilty of a felony and shall be punished by imprisonment in the penitentiary for a term not to exceed two (2) years.

Approved March 12, 1921.

CHAPTER 293.

(S. B. 335)

RELATING TO MOTOR VEHICLES.

AN ACT Entitled, An Act Relating to the Registration, Taxing and Licensing of Motor Vehicles and Amending Sections 8638 and 8642 of the South Dakota Revised Code of 1919 as Amended by Chapter 266 of the Session Laws of 1919, and Amending Section 8663 of the South Dakota Revised Code of 1919 as Amended by Chapter 264 of the Session Laws of 1919, Relating to the Registration and Licensing of Motor Vehicles and Disposition of Registration Fees.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 8638 of the South Dakota Revised Code of 1919 as amended by Chapter 266 of the Session Laws of 1919, be and the same is hereby amended to read as follows:

Section 8638. Application for Registration.] Every owner of a motor vehicle which shall be operated or driven upon the public highways of this state, shall, except as otherwise expressly provided, cause to be presented to the county treasurer of his county an application for registration, on a blank to be furnished by the secretary of state through the county treasurer for that purpose, containing a brief description of the motor vehicle to be registered, including the name of the manufacturer or the name by which such vehicle is commonly known, the factory number and engine number of such vehicle, the character, and if the motive power be derived from the products of petroleum, the amount of the motive power stated in figures or horse power, in accordance with the rating established by the Association of Licensed Automo-

ble Manufacturers, or the successor of said Association, and the number of cylinders and the bore and stroke of each cylinder; such application shall also state the name of the owner of such motor vehicle, his residence postoffice address, and his business address, including his county, and, if in a city, the street number. The applicant shall also state the weight of said motor vehicle as given by the manufacturer thereof.

Section 2. That Section 8642 of the South Dakota Revised Code of 1919 as amended by Chapter 266 of the Session Laws of 1919 be and the same is hereby amended to read as follows:

Section 8642. Registration Fee.] The following license fee shall be paid annually to the County Treasurer upon the application for registration or re-registration of a motor vehicle upon the basis of the manufacturer's weights as follows:

For cars weighing less than 2000 lbs.	\$13.00
For cars weighing from 2000 to 3000 lbs.....	17.00
For cars weighing from 3000 to 4000 lbs.....	20.00
For cars weighing from 4000 lbs. upwards.....	35.00
For all motor cycles, with or without side cars	5.00
For all motor trucks, including commercial cars and converted cars upon the basis of their carrying capacity, as follows:	

Those having a capacity of less than 1 ton.....	15.00
Those having a capacity of from 1 ton to 1½ tons	20.00
Those having a capacity of from 1½ tons to 2 tons.....	25.00
Those having a capacity of from 2 tons to 3 tons	35.00
Those having a capacity of from 3 tons upwards	75.00

The license fee imposed upon all of the foregoing classes of motor vehicles shall be in lieu of all taxes, general or local, to which such vehicles would otherwise be subject, provided that any such vehicles not duly registered and licensed as hereinbefore provided prior to the first day of May of any year shall be assessed and taxed as any other personal property; Provided, further that the fee for registering any theretofore unregistered motor vehicle under the provisions of this act, which motor vehicle shall be purchased on and after August 1st of any year, shall be one-half of the amount hereinbefore prescribed; and if purchased on or after November 1st of any year it shall be one fourth of the amount hereinbefore prescribed; and provided, further, that motor hearses shall not be subject to the provisions of the laws of this state requiring the registration of motor vehicles, and dealers in such hearses, but no other motor vehicles, shall not be required to procure the license herein provided for dealers in other motor vehicles. The license fee of the dealer in motor vehicles shall be \$25.00 and the fee for the license of a dealer in motor cycles shall be \$5.00. Vehicles belonging to manufacturers or dealers for which no license is paid except the dealer's license fee provided for in the last preceding paragraph shall be assessed and taxed as other personal property is taxed.

Section 3. That Section 8663 of the South Dakota Revised Code of 1919, as amended by Chapter 264 of the Session Laws of 1919, be and the same is hereby amended to read as follows:

Section 8663. Disposition of Fees.] Twenty-seven per cent of the funds collected for motor vehicles licenses shall be credited to the motor vehicle fund of the county in which collected; three per cent shall be forwarded to the Secretary of State to be placed in the state motor vehicle fund, and all expense incurred by the Secretary of State under

the provision of this article shall be paid by the State Auditor upon certified vouchers by warrants drawn upon such fund; seventy per cent of the funds so collected shall be forwarded to the State Treasurer to be placed in the state highway fund, and the same are hereby appropriated and shall be expended as the state highway funds are expended under the provisions of Section 54 of Chapter 333 Laws of 1919, and laws amendatory thereto.

The Secretary of State shall keep an accurate account of all money due the state on account of the registration required under the provisions of this article. He shall keep accurate accounts with the State Treasurer, in which he shall charge the State Treasurer with all money received by him and credit him with all sums paid out according to law.

He shall also keep separate accounts between the state and each county, which shall show the receipts and payments made into the state treasury. He shall require the several county treasurers to furnish him with a statement, attested by the county auditor, on the first day of January, March, April, June, September and December of each year, and at such other times as he may deem expedient, upon blanks furnished by the secretary. Each statement shall show the amount of money on hand due the state derived from registration under the provisions of this Article, and shall be forwarded to the secretary within fifteen days after the date on which such statement is called for. The Secretary shall immediately after receiving the statement, verify the correctness of the same, and deliver to the State Auditor a certificate of the amount due from each county treasurer, who shall include the same in his call for state taxes. He shall at the same time send the county auditor a duplicate of such certificate.

The county treasurer shall forward to the Secretary of State all applications for registration, re-registration, transfers and duplicate number plates, at such times as required by law.

The Secretary of State shall provide all necessary supplies required under this article.

Section 4. All the provisions of the foregoing act shall not be operative or take effect until the first day of January, 1923, and all the provisions of the laws now in force as amended by the provisions of the foregoing act shall remain operative and in full force and effect until the taking effect of this Act on January 1, 1923.

Approved March 12, 1921.

CHAPTER 294.

(H. B. 209)

RELATING TO DISPOSITION OF LICENSE FEES.

AN ACT Entitled, An Act to Amend Section 8663 of the South Dakota Revised Code of 1919 as Amended by Chapter 264 Laws of 1919, Relating to the Disposition of Motor Vehicle License Fees.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 8663 of the South Dakota Revised Code of 1919 as amended by chapter 264 of the Session Laws of 1919 be and the same is hereby further amended to read as follows:

Section 8663. Disposition of Fees.] The county treasurer shall place in the county motor vehicle fund ninety per cent of all money

received from the registration of automobiles, motor or automobile trucks, motor cycles, dealers licenses, duplicate plates and transfers and place the balance in a state motor vehicle fund which he shall remit the state treasurer as herein provided.

The Secretary of State shall keep an accurate account of all money due the state on account of the registration required under the provisions of this article. He shall keep accurate accounts with the state treasurer, in which he shall charge the state treasurer with all money received by him and credit him with all sums paid out, according to law. He shall also keep separate accounts between the state and each county, which shall show the receipts and payments made into the state treasury and he shall have supervision of the collection of all money due the state from the several counties for such registration. He shall require the several county treasurers to furnish him with a statement, attested by the county auditor, on the thirty first day of March, the thirtieth day of June, the thirtieth day of September and the thirty first day of December of each year, and at such other times as he may deem expedient, upon blanks furnished by the secretary. Each statement shall show the amount of money on hand due the state derived from registration under the provisions of this article, and shall be forwarded to the secretary within five days after the date on which such statement is called for. The secretary shall immediately after receiving the statement, verify the correctness of the same, and draw and deliver to the state treasurer a draft on each county treasurer for the full amount shown to be due the state. He shall at the same time send the county auditor of the county a duplicate of such draft.

The state treasurer shall immediately notify each county treasurer of the amount of such draft, and the county treasurer immediately after receiving such notice shall forward to the state treasurer the total amount specified in such draft, together with a duplicate of the statement above provided, and upon receipt of the amount the state treasurer shall notify the secretary, who shall thereupon charge the state treasurer with the same and credit the proper county, and the state treasurer shall also immediately forward such draft to the county treasurer, properly receipted, and the same shall be the county treasurer's receipt for the amount paid. No money belonging to the state motor vehicle fund shall be forwarded to the state treasurer by any county treasurer, except upon the draft of the secretary as provided in this section. All money received by the state treasurer under the provisions of this article shall be credited to the state motor vehicle fund and all expenses incurred by the secretary of state under the provisions of this article shall be paid by the state auditor, upon certified vouchers, by warrant upon such fund. The county treasurer shall forward to the secretary of state all applications for registration, re-registration, transfers and duplicate lost number plates, at the close of each day during which his office has been open to the public. The secretary of state shall provide all necessary supplies required under this article.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing institutions, an emergency is hereby declared to exist and this Act is declared to be in full force and effect from and after its passage and approval.

Approved March 4, 1921.

Municipal Corporations

CHAPTER 295.

(S. B. 210)

RELATING TO APPROPRIATIONS.

AN ACT Entitled, An Act to Amend Sections 6334, 6335 and 6336 of the South Dakota Revised Code of 1919, Relating to Appropriations for Municipal Purposes.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6334 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 6334. Annual Appropriation Ordinance.] The Governing body of each city and town shall at its first regular meeting in September of each year, or within ten days thereafter, introduce an ordinance to be termed "The Annual Appropriation Ordinance" for the ensuing fiscal year, in which such governing body shall appropriate such sums of money as may be deemed necessary to meet all lawful expenses and liabilities of such corporation. Such ordinance shall specify the objects and purposes for which such appropriations are made and the amount appropriated for each object or purpose, which amount shall be appropriated from the proper fund. No further appropriations shall be made at any other time for such fiscal year, provided, however, that whenever the governing body is authorized by the electors to issue bonds for a specific purpose, it shall be deemed an appropriation to the extent of the bonds authorized. Such Annual Appropriation Ordinance shall also contain the annual tax levy, which for all purposes except park purposes shall not exceed the limitations prescribed by article 1, Chapter 5, part 9 of this title. Such ordinance shall also apportion among the various funds provided for therein the amount levied for general purposes and shall designate the amount to be applied upon each fund. Such ordinance shall also specify the amount levied to pay the interest on each outstanding bond issue, and the amount levied for the purpose of each sinking fund established to pay the principal of each series of bonds when matured. Immediately upon the passage and publication of the Annual Appropriation Ordinance the city auditor or town clerk shall certify the tax levies therein made to the county auditor in the county in which the city is situated in the following form:

For General Purposes.....

For interest and sinking fund.....

provided, further, that at the first regular meeting in September, 1921, or within ten days thereafter, the governing body of every city and town shall pass a special appropriation ordinance for the purpose of appropriating such sums of money as may be deemed necessary to meet all lawful expenses and liabilities of such corporation from September 1st, 1921, to January 1st, 1922. Such appropriation and the levy therefore, shall be certified to the county auditor in the same manner and at the same time as the Annual Appropriation herein provided for.

Section 2. Section 6335 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 6335. Expenditures Limited to Appropriations.] Neither the governing body nor any department or officer of the city or town shall add to the corporation expenditures in any fiscal year any sum in excess of the amount provided for in the annual appropriation ordinance except as otherwise specially provided; and no expenditure for any improvement to be paid for out of the general fund shall exceed in any one year the amount provided for such improvement in such appropriation ordinance; provided, however, that nothing herein contained shall prevent the governing body from expending the proceeds of any bond issue if the same has been authorized by the electors of the municipal corporation, or from ordering, by a two-thirds vote, any improvement the necessity of which is caused by any casualty or accident happening after such annual appropriation is made. The governing body may order the mayor to borrow a sufficient amount to provide for the necessary expenses to be incurred in making any improvement, the necessity of which has arisen as last above mentioned, for a space of time not exceeding the close of the next fiscal year, which sum and interest shall be added to the amount authorized to be raised by the next general tax levy, and embraced therein. Should any judgment be obtained against the city or town, the mayor, under the sanction of the governing body, may borrow a sufficient amount to pay the same, for a space of time not exceeding the close of the fiscal year, which sum and interest shall in like manner be added to the amount authorized to be raised by the general tax levy of the next year and embraced therein.

Section 3. That Section 6336 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 6336. Appropriation Prior to Contract.] No contract shall be made by the governing body of any city or town and no expense shall be incurred by any department or any officer thereof, whether ordered by the governing body or not, unless an appropriation shall have been previously made concerning such expense or the governing body authorized to issue bonds for a specific purpose and as otherwise expressly provided.

Approved March 14, 1921.

CHAPTER 296.

(H. B. 193)

RELATING TO CITIES EMPLOYING A CITY MANAGER.

AN ACT Entitled, An Act Relating to Cities Employing a City Manager.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Any City Manager employed or who may be employed by any city in this State shall be the executive and administrative head of the municipal government, and subject to the direction, supervision and approval of the city council or board of commissioners of such city, shall have the following duties.

- (1) To see that the laws and ordinances are enforced.
- (2) To prepare and submit to the council or commission an annual budget, which shall be submitted not later than August 1st of each year.
- (3) To report to the council or commission from time to time and as often as may be required, the financial condition and needs of the city.

(4) To recommend to the council or commission such measures as the City Manager may deem necessary or expedient.

(5) To exercise supervision over all departments of the city's government and business.

(6) To see that all terms and conditions imposed in favor of the city or its inhabitants in any franchise or contract to which the city is a party are faithfully kept and performed.

(7) Except when the council or commission are considering his removal, the City Manager shall be entitled to be present at all meetings of the council or commission, and its committees and to take part in their discussions.

(8) The City Manager shall be responsible to the council or commission for the proper administration of the affairs of the city.

(9) He shall sign all warrants for the payment of money, and the same shall be countersigned by the city auditor, but no warrant shall be issued until the claim therefor has been approved by the city council or Board of Commissioners except as may be otherwise provided by ordinance or resolution of the council or commission.

(10) He shall have the right to prepare and introduce ordinances and resolutions and take part in the discussion of all matters coming before the council or commission, but shall have no vote. The salary of the city officers where not fixed by statute shall be as may be prescribed by ordinance. No contract of the City Manager in excess of \$200 for the payment of money except for current necessities shall be binding upon the city unless or until the payment shall be approved by the council or board of commissioners.

(11) The governing body of any municipal corporation employing a City Manager, may, by ordinance or resolution, increase, decrease, change or modify the duties of the City Manager as above prescribed, and the said governing body may require the City Manager to perform such part of the ordinary duties of other officers of said municipal corporation as may be deemed advisable and necessary by said governing body.

Section 2. The duties and powers of the mayor of any city employing or which may employ a City Manager, shall be as follows:

(1) He shall be the presiding officer of the council or commission.

(2) He shall be recognized head of the city by the courts for the purpose of serving civil processes, by the Governor for military purposes, and for all ceremonial purposes.

(3) He may take command of the police of the city, appoint special police and govern the city by proclamation during times of public danger or emergency, and during such times he shall have such powers and authority as are given to the mayor by Section 6280 of the Revised Code of 1919.

(4) He shall perform such other duties as may be provided by law or by ordinance or by resolution of the council or board of commissioners, but in no case shall he have the right of veto.

Section 3. Sections 6204 to 6230 inclusive of the Revised Code of 1919, in so far as the same or any of them may be in conflict with or inconsistent with the provisions of this Act are hereby expressly modified and made inapplicable to cities employing a City Manager; but in cities operating under the aldermanic form of government and employing a City Manager the Mayor or aldermen shall still be elected as in said Sections provided.

Section 4. All officers and employees of any city employing a City Manager, including the City Manager, shall be appointed by the govern-

ing body thereof, and may be removed at any time by such governing body.

Section 5. The mayor or any member of a city council or board of commissioners of a city employing a city manager may be removed from office at any time by the electors of the city qualified to vote for his successor. The procedure to effect such removal shall be as specified in Section 6332 of the Revised Code of 1919, the provisions of such Section being hereby made applicable to the mayor and to the governing body of any city employing a City Manager.

Section 6. The governing body of any city employing a City Manager shall hold its regular meetings on the first Monday of each month at such hour as may be fixed by ordinance or resolution, and may prescribe by ordinance the manner in which special meetings may be called. Such governing body may also by ordinance change the date of its regular monthly meetings, and may by ordinance provide for regular meetings oftener than once a month.

Section 7. In cities employing a city manager the mayor, aldermen and commissioners shall serve without compensation.

Section 8. In all commissioned governed cities employing a city manager, at any time after a board of nine commissioners has been elected and has qualified as provided in Section 6234 of the Revised Code of 1919, the Commission may by ordinance increase, and may subsequently diminish the number of commissioners, but in no case shall the number be increased to more than fifteen, nor diminished to less than nine. Any such ordinance as is authorized by this Section shall before becoming effective, be submitted to and approved by a majority vote of the people at a regular election or at a special election to be called for that purpose. In case the number of commissioners be either increased or diminished, a new board of commissioners shall be elected at the first regular municipal election thereafter, or at a special election to be called for that purpose if the regular election is not to be held within ninety days, and such board so elected, shall take the place of the board as the same existed before the number of commissioners was changed. The new board shall be divided by lot into three classes as nearly equal in number as may be. Those in the first class shall serve for one year, those in the second class for two years and those in the third class for three years. Thereafter, one-third or as nearly one-third as maybe shall be elected each year for a term of three years.

Section 9. This Act shall apply to any City employing, or which may employ a City Manager under the provisions of Section 6231 to 6241 inclusive, of the Revised Code of 1919.

Section 10. That Section 6231 of the Revised Code of 1919 be and the same hereby is amended to read as follows:

When directed by a majority vote of all electors voting at a special election to be called for that purpose, the city council or board of commissioners of any city in this State shall be authorized, empowered and required to employ a City Manager, to prescribe his duties and powers in accordance with the provisions and requirements of this Act, and to fix his compensation. It shall be the duty of the mayor and common council, or board of commissioners as the case may be, whenever a petition is signed by 15 per cent of the electors of any such city, as determined by the total vote for mayor at the last preceding annual election, shall be presented requesting that an election be called to vote upon the proposition of employing a City Manager, to call an election for that purpose to be held within twenty days from the date of filing such petition with the auditor of said municipality. Such election shall be held

up the same notice and conducted in the same manner as other city elections. When there has been an election as herein provided and when the proposition to employ a city manager has failed to receive a majority vote, such proposition shall not be again submitted for the period of one year.

Section 11. Section 6236 of the Revised Code of 1919, in so far only as the same may be in conflict with or inconsistent with the provisions of this Act is hereby repealed.

Section 12. Section 6235 of the Revised Code of 1919, and all Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 12, 1921.

CHAPTER 297.

(H. B. 155)

RELATING TO CONTRACTS OF MUNICIPAL CORPORATIONS.

AN ACT Entitled, An Act to Amend Section 6347 of the South Dakota Revised Code of 1919, Relating to Contracts of Municipal Corporations for Local Improvements.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6347 of the South Dakota Revised Code of 1919 is hereby amended to read as follows:

Section 6347. Manner of Making.] No contracts of any municipal corporation shall be valid unless authorized by a vote of the governing body, at a duly assembled meeting thereof; all written contracts shall be signed by the mayor or president of the board of trustees, be countersigned by the city auditor or town clerk, and have the corporate seal attached; and all contracts for local improvements for which special assessments are to be levied, except sidewalks and bulkheads, must be let to the lowest responsible bidder: Provided, that whenever the bid of the lowest responsible bidder for any local improvement shall exceed by ten per cent (10%), the City Engineer's estimate of the cost of such local improvement, the governing body of such municipal corporation may, in its discretion, direct any such local improvement or any part thereof which it shall deem necessary to be made, to be done by days work under the direction of the governing body of such municipal corporation, or any officers of said municipal corporation whom the governing body of such municipal corporation may designate: Provided, that the city council, board of commissioners or board of trustees shall have the right to reject any and all bids and to re-advertise for proposals, if none of the bids are satisfactory or if they believe any agreement has been entered into between the bidders to prevent competition; provided, however, that no such local improvements shall be constructed by days pay when the City Engineer's estimate of the cost of such improvement is in excess of \$5000.00.

Section 2. Whereas, this act is necessary for the immediate support of the state government and its existing public institutions, an emergency is hereby declared to exist and this act shall be in force and effect from and after its passage and approval.

Approved February 25, 1921.

CHAPTER 298.**(S. B. 24)****RELATING TO FISCAL YEAR.**

AN ACT Entitled, An Act to Amend Section 6333 of the South Dakota Revised Code of 1919, Relating to Fiscal Year of Municipal Corporations.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6333 of the South Dakota Revised Code of 1919 be, and the same is hereby amended to read as follows:

Section 6333. Fiscal Year.] The fiscal year of each Municipal Corporation shall commence on the first day of January of each year.

Approved March 10, 1921.

CHAPTER 299.**(H. B. 345)****RELATING TO CHANGE OF FORM OF GOVERNMENT.**

AN ACT Entitled, An Act to Amend Sections 6191 and 6192 of the South Dakota Revised Code of 1919, Relating to Change of Form of Government of Municipal Corporations.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6191 of the South Dakota Revised Code of 1919 is hereby amended to read as follows:

Section 6191. Power of Electors to Change.] The electors of any municipal corporation of the first or second class may change its form of government from the aldermanic to the commission, or from the commission to the aldermanic, or may change the number of its commissioners or may change its form of government from the city manager plan to the aldermanic or commission plan by a majority vote of all electors voting at an election called and held as hereinafter provided; and cities under special charter may in like manner adopt either the aldermanic or commission form of government; but the question of changing the form of government having been once voted upon, shall not be again submitted within two years thereafter.

Section 2. That Section 6192 of the South Dakota Revised Code of 1919 is hereby amended to read as follows:

Section 6192. Election, When Called.] Whenever a petition signed by fifteen per cent of the electors of any such municipality, as determined by the total vote for mayor at the last preceding annual election, shall be presented to the governing body of the municipal corporation, requesting that an election be called for the purpose of voting upon the question of the change of form of government, or upon the question of the number of commissioners, such governing body shall call an election, to be held within twenty days from the date of the filing of such petition with the auditor of such municipality, at which the question of the change of form of government or the number of commissioners, as the case may be, or both, shall be submitted to the electors of such municipality. Such election shall be held upon the same notice and conducted in the same manner as other city elections.

Approved March 12, 1921.

CHAPTER 300.

(H. B. 293)

RELATING TO INITIATIVE AND REFERENDUM.

AN ACT Entitled, An Act to Amend Sections 6255, 6261 and 6262 of the South Dakota Revised Code of 1919 Relating to Initiative and Referendum Elections in Municipal Corporations.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6255 of the South Dakota Revised Code of 1919 be and is hereby amended to read as follows:

Section 6255. Petition, Contents, Number of Signers.] If the matter intended to be covered by the petition is the whole of any ordinance or resolution, the petition shall contain the title of such ordinance or the subject of such resolution, and the date of its passage, but if only a portion of such ordinance or resolution is intended to be covered by the petition, such portion shall be set out at length; such petition shall be signed by at least fifteen per cent of the legal voters residing in such municipal corporation, such percentage to be based on the whole number of electors voting at the annual municipal election preceding the filing of such petition, and each elector signing the same shall, after his name, state his occupation, residence, postoffice address and date of signing.

Section 2. That Section 6261 of the South Dakota Revised Code of 1919 be and is hereby amended to read as follows:

Section 6261. Initiated Ordinances.] The right to propose ordinances for the government of any municipal corporation shall rest with any fifteen per cent of the electors thereof, such percentage to be based upon the whole number of electors voting at the annual municipal election preceding the proposal of the ordinance in question.

Section 3. That Section 6262 of the South Dakota Revised Code of 1919 be and is hereby amended to read as follows:

Section 6262. Petition.] Such right shall be exercised by filing with the city auditor or town clerk, a petition containing in proper form the proposed ordinance, signed by fifteen per cent of the legal electors of the municipality, each elector stating his occupation, residence, postoffice address and date of signing; which petition shall be verified as required for a referendum petition.

Approved March 1, 1921.

CHAPTER 301.

(S. B. 56)

RELATING TO MUNICIPAL JUSTICES.

AN ACT Entitled, An Act Fixing Jurisdiction of Justices of the Peace in Municipal Corporations Situated in More than one County and Amending Section 6308 of the South Dakota Revised Code of 1919.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6308 of the Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 6308. Jurisdiction and Procedure.] The civil and criminal jurisdiction of a city or town justice's court, within the county or coun-

ties in which the city or town is situated, shall be as defined and limited by sections 2129 and 4414; such court also shall have exclusive original jurisdiction to try and determine all actions for violation of municipal ordinances; the process and procedure of such court shall be governed by the laws regulating procedure in justices' courts except as otherwise specially provided; and appeals from the judgments of such court may be taken to the circuit court in the same manner as appeals from the judgments of other justices' courts, that where any city or town is situated in more than one county, such court, shall have concurrent jurisdiction with all other justices of the county or counties where such city or town is situated in all civil and criminal cases.

Provided, however, that in all civil cases such concurrent jurisdiction shall be with the justices of the county where the defendant is served, and in criminal cases for offenses against the laws of the state such concurrent jurisdiction shall be with the justices of the county where the offense was committed.

Provided, further, that in case of a change of venue from a city or town justice exercising such concurrent jurisdiction such change shall be to a justice with whom the city or town justice has concurrent jurisdiction.

An appeal from the judgment of the city or town justice's court shall be taken to the circuit court of the county in which the defendant resides, if he be a resident of one of such counties, or if not, to the circuit court of any county in which any part of the municipality is situated.

Approved March 12, 1921.

CHAPTER 302.

(H. B. 192)

RELATING TO PARK BOARDS CREATED BY ORDINANCE.

AN ACT Entitled, An Act to Amend Sections 6436 and 6437 of the South Dakota Revised Code of 1919, Relating to Park Boards Created by Ordinance.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6436 of the South Dakota Revised Code of 1919 is hereby amended to read as follows:

Section 6436. President and Secretary.] A park Board so created shall elect from its number a President and secretary, each of whom shall serve for a term of one year or until a successor is elected and qualified. The president and secretary shall in addition to the usual duties of such offices, sign all warrants drawn on funds in the hands of the City Treasurer, provided, however, that no such warrants shall be drawn unless authorized by a majority vote of the members of the board at a meeting in which there is a quorum present. A vice president may be elected at the option of the board, who shall act in the absence or disability of the president. In case of death or retirement of an officer a successor shall be elected immediately.

Section 2. That section 6437 of the South Dakota Revised Code of 1919 is hereby amended to read as follows:

Section 6437. Duties of the City Treasurer.] It shall be the duty of the City Treasurer to keep in a special fund all money derived from the

tax levy for park purposes, from collection of special assessments levied by the park board, and any other money received for the use of the park board, and to pay the same upon warrants duly drawn by the president and secretary of the Park Board.

Approved March 12, 1921.

CHAPTER 303.

(H. B. 286)

RELATING TO PARK BOARDS CREATED BY ELECTORS.

AN ACT Entitled, An Act to Amend Section 6456 of the South Dakota Revised Code of 1919, Relating to the Acquiring of Lands for Parks and Boulevards, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6456 of the South Dakota Revised Code of 1919 be, and the same is hereby amended so as to read as follows:

Section 6456. Lands for Parks and Boulevards, How Acquired.] It shall be the duty of the board of park supervisors to provide at least one park in each park district, and to purchase or otherwise acquire, with the concurrence of the governing body as herein provided, real property therefor; and the governing body is hereby authorized and empowered to provide by ordinance for the purchase, condemnation or otherwise obtaining of land within or without the city limits, for public parks, parkways and boulevards, and to establish the same, provided the acquisition of such land for such public parks, parkways and boulevards, and the establishment of the same, be first recommended by the board of park supervisors. And whenever such board shall select and recommend to the governing body any acquisition of any park, public squares, parkways or boulevards, it shall be the duty of the governing body to proceed forthwith, by ordinance, to provide for the acquisition by purchase, condemnation or otherwise, as it may deem best, of such land for parks, parkways or boulevards as may be selected by such board. Payment for any such land so selected and acquired, whether within or without the city limits, may be made out of the general fund, or by the issue and sale of bonds of the city as may be provided by ordinance of the governing body, subject to the laws and constitution of the state; payment for the land so selected and acquired for such purpose may be made as hereinafter provided.

Section 2. Whereas this act is necessary for the immediate support of the state government and its existing public institutions, an emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1921.

CHAPTER 304.**(H. B. 117)****RELATING TO POLICE.**

AN ACT Entitled, An Act to Amend Section 6301 of the South Dakota Revised Code of 1919, Relating to Police.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6301 of the South Dakota Revised Code of 1919 be and is hereby amended to read as follows:

Section 6301. Powers and Duties.] The chief of police shall perform such duties as shall be prescribed by the governing body of the municipal corporation for the preservation of the peace. All policemen of any municipal corporation shall, possess the powers of constables, and it shall be their duty to execute and serve all warrants, process, commitments and writs issued by the municipal court or justices of the peace, for any violation of the laws of the state or ordinance of the municipality; and also all writs and process issued by the municipal court or justices of the peace, in civil actions; and they shall have authority to pursue and arrest any person fleeing from justice, in any part of the state, and when performing the duties aforesaid shall be entitled to the same fees as constables for like services. Watchmen shall have authority to arrest and detain any person guilty of any breach of the peace or any violation of the laws of the state or ordinances of the municipality, and for these purposes shall possess the powers of constables under the laws of this state while on duty.

Approved March 12, 1921.

CHAPTER 305.**(H. B. 30)****RELATING TO POWERS OF MUNICIPAL CORPORATIONS.**

AN ACT Entitled, An Act Adding Paragraph 84 to Section 6169 of the Revised Code of South Dakota for the Year 1919 Relating to the Powers of Municipal Corporations.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There shall be added at the end of Section 6169 of the Revised Code of South Dakota for the year 1919 an additional paragraph to be numbered 84 as follows:

84. To provide by ordinance for the construction of local improvements by days pay where the bid of the lowest responsible bidder exceeds by ten per cent the City Engineer's estimate of the cost of such improvement, and to provide for the supervision of such improvement by the governing body of such municipal corporation, or any officers of such municipal corporation which such governing body may designate; provided, however, that no such local improvements shall be constructed by days pay when the City Engineers estimate of the cost of such improvement is in excess of \$5000.00.

Laws—28.

Section 2. Whereas, this act is necessary for the immediate support of the state government and its existing public institutions, an emergency is hereby declared to exist and this act shall be in force and effect from and after its passage and approval.

Approved February 25, 1921.

CHAPTER 306.

(H. B. 45)

RELATING TO POWERS OF MUNICIPAL CORPORATIONS.

AN ACT Entitled, An Act Adding Paragraph 85 to Section 6169 of the Revised Code of 1919, Relating to the Powers of Municipal Corporations.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There shall be added at the end of Section 6169 of the Revised Code of 1919 an Additional Paragraph to be numbered 85 as follows:

85. To levy a tax of not exceeding two mills on each dollar of taxable property within the municipal corporation for the purpose of creating a fund for the purchase, establishment and maintenance of play grounds or children's parks and the support and encouragement of athletics within said municipal corporation, said fund to be used for such purpose and no other; provided, that before any levy of such tax be made there shall be filed with the city auditor or town clerk of such municipal corporation a petition, signed by at least twenty per cent (20%) of the electors thereof, as shown by the vote for members of the city council, board of commissioners, or board of trustees, at the last preceding election, requesting that the proposition of levying such tax be submitted to the electors at the next annual election, such petition shall contain a statement of the purpose and of the amount of levy to be made which said amount shall not exceed 2 mills as aforesaid and which petition shall be filed at least twenty days preceding the annual city or town election. Upon the filing of such petition it shall be the duty of the city auditor, or town clerk, to submit such proposition to the voters at such election upon a separate ballot. If a majority of the electors of such city or town voting on such proposition, shall vote in favor of such proposition then the levy of such tax shall be deemed authorized, otherwise no levy shall be made.

Section 2. Whereas, this act is necessary for the immediate preservation of public health, peace and safety, an emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1921.

CHAPTER 307.

(H. B. 116)

RELATING TO THE POWERS OF MUNICIPAL CORPORATIONS.

AN ACT Entitled, An Act to Amend, Sub-Division 18 of Section 6169, of South Dakota Revised Code of 1919, and to Make Such Section, as Amended, Applicable to Electricity Used or to be Used for Power Purposes.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Sub-division 18 of Section 6169 of the South Dakota Revised Code of 1919 is hereby amended to read as follows:

Section 6169, Sub-division 18. To regulate and provide for the lighting of streets, laying down gas pipes, and erection of lamp posts, electric towers and other apparatus, and to regulate the sale and use of gas and electric light and electric power, and to fix and determine the price of gas and electric light and electric power, and the rent of gas and electric meters with the municipality, and to fix and determine the charges for telephones and telephone service connections, subject to such powers of supervision as are conferred upon the Board of Railroad Commissioners; to Prohibit or regulate the erection of poles for telegraph, telephone or electric wires in the public grounds, streets or alleys, and the placing of wire thereon; to require the removal from the public grounds, streets or alleys of any or all such poles and wires and the removal and placing under ground of any or all telegraph, telephone or electric wires; and to grant rights and franchise to persons, associations or corporations for such purposes, and to regulate the same.

Approved March 1, 1921.

CHAPTER 308.

(S. B. 142)

RELATING TO POWERS OF MUNICIPAL CORPORATIONS.

AN ACT Entitled, An Act to Amend Sub-division 60 of Section 6169 of the South Dakota Revised Code of 1919 Relating to the Powers of Municipal Corporations.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Sub-division 60 of Section 6169 of the South Dakota Revised Code of 1919 is hereby amended to read as follows:

Section 6169. Sub-division 60. To license, regulate, tax or prohibit public dances or public dance halls and skating rinks within the corporate limits and within one mile of the outer boundary of the same and within one mile of the outer boundary of any city park located outside of the corporate limits of any such municipal corporation.

Approved March 12, 1921.

CHAPTER 309.

(H. B. 294)

RELATING TO POWERS OF MUNICIPAL CORPORATIONS.

AN ACT Entitled, An Act to Amend Sub-Section 83 of Section 6169 of the South Dakota Revised Code of 1919, Relating to Municipal Corporations.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That sub-section 83 of Section 6169 of the South Dakota Revised Code of 1919 be and is hereby amended to read as follows:

Sub-Section 83. To annually, at the first meeting of its governing body in September, designate as official newspaper some newspaper published in the municipality for the ensuing fiscal year; provided, such governing body may at any time, by a majority vote of all its members, revoke such designation and make a new designation for the balance of the fiscal year.

Approved March 1, 1921.

CHAPTER 310.

(S. B. 321)

RELATING TO EXERCISE OF POWERS.

AN ACT Entitled, An Act to Amend Section 6248 of the South Dakota Revised Code of 1919, Relating to Granting of Franchises.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6248 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 6248. Manner of Exercising Powers—Limitation of Franchises.] The governing body of any municipal corporation may pass any ordinance or resolution and make any regulation necessary and proper to carry into effect the powers granted to it; and whenever any power is conferred upon any municipal corporation and the manner of exercising the same is not specifically pointed out, the governing body may provide by ordinance the details necessary to the full exercise of such power; but the governing body shall grant no franchise to any transportation, gas, water, heat, light, power, sewerage or other public utility, authorizing any person or corporation to occupy any of the streets, alleys or public places of the municipality without submitting the proposed franchise, after the same has been approved by the governing body, to a vote of the electors of the municipality and no such franchise shall be effective, except as otherwise specifically provided, unless approved by a majority of the electors of such municipality voting thereon at a general election or a special election called for the purpose of voting upon such proposition; and, unless otherwise specifically provided, no franchise shall be granted in any case for a longer period than 20 years.

Approved March 12, 1921.

CHAPTER 311.

(H. B. 253)

RELATING TO THE SALE OF REAL ESTATE.

AN ACT Entitled, An Act to Amend Section 3, Chapter 74 of the 1920 Special Session Laws of the State of South Dakota, Relating to Municipal Corporations, Authorizing the Sale of Real Estate by Such Corporations, and Providing the Procedure to be Followed in Effecting Sales and Conveyances of Such Property.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 3, Chapter 74 of the Laws passed at the Special Session of the Legislature of the State of South Dakota, begun and held on June twenty-first, 1920, and concluded on June twenty-ninth, 1920, is hereby amended to read as follows:

Section 3. All sales shall be made at public auction or at private sale to the highest bidder for cash or upon such terms as the governing body may direct, but in no event for less than one-third cash and the balance payable in not more than five years with interest on deferred payments at the rate of not less than six per cent per annum, all deferred payments to be secured by mortgage or contract as may be determined by the governing body, the sale to take place at the office or room occupied by the treasurer of the municipal corporation, under whose direction all sales shall be made. Notice of sale shall be given by publication in a legal newspaper published within the municipal corporation, for at least once a week for three successive weeks, and if there be no such newspaper, then by posting in three of the most public places therein, at least twenty days before the day of sale. The notice shall contain a description of the real property to be sold, and the time and place of sale. If no acceptable bid is received at the time of sale fixed in the notice, the property may, within six months thereafter, be sold at private sale for not less than the appraised value and for cash or on terms as hereinbefore provided without further publication.

Approved March 12, 1921.

CHAPTER 312.

(H. B. 184)

RELATING TO REFUNDING BONDS.

AN ACT Entitled, An Act to Amend Sections 6420 and 6421 of the Revised Code of South Dakota for the Year 1919, Relating to Refunding Bonds of Municipal Corporations.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6420 of the Revised Code of South Dakota for the year 1919, be amended to read as follows:

Section 6420. Form, Denomination, Interest.] Each bond so issued shall recite upon its face the purpose for which it is issued. Such bonds shall be in denominations of not less than \$100.00 nor more than \$1,000.00 shall be numbered consecutively, shall bear date and shall

show the date when payable and may be made payable in not less than five years nor more than twenty years from their date, shall be made payable to the purchaser or bearer and may be made payable anywhere in the United States; shall bear interest at a rate not exceeding, in cities of the first and second class, 6% per annum, and in municipal corporations of the third class or towns 7% per annum, payable annually or semi-annually as may be agreed upon and shall have interest coupons attached and a copy of this article shall be printed or engraved on the back of each bond.

Section 2. That Section 6421 of the Revised Code of South Dakota for the year 1919, be amended to read as follows:

Section 6421. Disposal.] The bonds provided for in the two preceding sections may be issued and sold when authorized by a resolution passed by a majority vote of all members elected to the governing body but shall not be sold at a price less than the par value thereof, with accrued interest. The proceeds of such sale shall be applied solely to the payment of the floating or bonded indebtedness of such municipality so ordered to be funded or refunded, or such bonds may be exchanged at not less than par value with accrued interest for not less than an equal amount at par value of such original floating or bonded indebtedness and no bond so issued shall be delivered to the purchaser until a like amount of outstanding warrants or bonds are surrendered and cancelled. Provided, however, that not more than 3% of the funds obtained from the sale of said refunding Bonds may be paid by the governing body for printing, advertising and brokerage.

Approved March 12, 1921.

CHAPTER 313.

(S. B. 285)

RELATING TO REGISTRATION FOR ELECTIONS.

AN ACT Entitled, An Act to Amend Section 6324 of the South Dakota Revised Code of 1919, Relating to Registration for Municipal Election.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Section 6324 of the South Dakota Revised Code of 1919 is hereby amended to read as follows:

Section 6324. Registration.] The Governing Body of the Municipality may provide for the registration of voters therein, and whenever a registration is required by ordinance, no person shall be allowed to vote in any annual or special municipal election without having complied with the provisions of article 2, chapter 1, part 12 of this title.

Approved March 11, 1921.

CHAPTER 314.

(S. B. 211)

RELATING TO FINANCIAL REPORTS BY AUDITOR OR CLERK.

AN ACT Entitled, An Act to Amend Section 6286 of the South Dakota Revised Code of 1919, Relating to City Auditor's and Town Clerk's Financial Statement.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6286 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 6286. Financial Report.] The city auditor or town clerk shall report to the governing body on the first day of July and January of each year the receipts, expenses and financial condition of the municipality, which report shall be published within thirty days thereafter in the official paper, or such other paper as the governing body may direct. He shall make and keep a list of outstanding municipal bonds, to whom issued, for what purpose, when and where payable, and the rate of interest they respectively bear, and recommend such action to the governing body as will secure the prompt payment of the principal and interest of such bonds. He shall report annually, on or before the first day of September to the governing body an estimate of the expenses of the municipal corporation, and likewise the revenue necessary to be raised for the current year.

Approved March 12, 1921.

CHAPTER 315.

(S. B. 27)

RELATING TO PASSAGE OF RESOLUTIONS.

AN ACT Entitled, An Act to Amend Section 6251 of the South Dakota Revised Code of 1919, Relating to Resolutions of Municipal Corporations.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6251 of the South Dakota Revised Code of 1919, be, and the same is hereby amended to read as follows:

Section 6251. Passage.] A Resolution may be passed after one reading and shall be recorded at length in the minutes of the meeting at which it is passed, with a statement of the number of votes for, and against the same, and shall be published in full as part of the minutes.

Approved February 19, 1921.

CHAPTER 316.**(H. B. 180)****RELATING TO BONDS FOR SEWERAGE.**

AN ACT Entitled, An Act to Empower Municipal Corporations to Issue Bonds for the Construction of Sewers and to Pay Such Bonds by a General Tax Levy.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That in addition to the methods now provided by law for financing the construction of sewers by municipal corporations, the municipal corporations of the state are hereby empowered to issue bonds for the purpose of financing the construction of sewers and to levy a general property tax on the property within the corporate limits of such corporations for the purpose of paying such bonds at the time the same shall become due.

Section 2. The issuance of such bonds and the terms and conditions thereof shall be governed by the provisions of Title 6, Part 8, Chapter 10, Article 1 of the South Dakota Revised Code of 1919.

Approved March 14, 1921.

CHAPTER 317.**(H. B. 182)****RELATING TO SPECIAL ASSESSMENT FOR SEWERS.**

AN ACT Entitled, An Act to Amend Section 6377 of the Revised Code of South Dakota for the Year 1919, Relating to Method of Making Special Assessments for Sewers.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6377 of the Revised Code of the State of South Dakota for the year 1919, be amended to read as follows:

Section 6377. Method of Apportionment.] Whenever any contract for the construction of any main or trunk sewer under the provisions of this article shall have been entered into, the city engineer or other competent person shall forthwith proceed to make an estimate for a special assessment upon the several lots, parts of lots or parcels of land within the sewer district within or for the benefit of which such sewer is to be constructed and shall report to the governing body the following facts regarding such improvement;

1. The total cost of such main or trunk sewer calculated at the contract price.

2. The total number of feet frontage of land within the sewer district fronting or abutting upon the street or streets, alley or alleys in which such main or trunk sewer is to be constructed or abutting on such sewer where the same is not laid in any street or alley.

3. The total assessed valuation according to the last assessment of all the real property situated within such sewer district exclusive of improvements, provided that in any sewer district heretofore established or which may hereafter be established under the provisions of this said

article, any real estate owned by any Railroad Company and used for depots, warehouses, elevators, stock yards, roundhouses, or dwelling houses and any real estate not owned by a railroad company which shall not be listed on the city assessor's books for taxes for general city and town purposes, may, by order of the governing body, be listed and valued by the assessor as hereafter provided for the purposes of this assessment; and the same, excepting property of the United States, shall be included in said estimate for special assessment; the assessor shall make a list of such real estate owned by any Railroad Company and used for purposes aforesaid, and such nonlisted property with the valuation of each piece or parcel thereof as aforesaid and file same in the office of the City Auditor or Town Clerk of said municipality and thereupon the governing body shall fix a time and place for the equalization of the valuation of such nonlisted property and the city auditor or town clerk shall cause a notice thereof to be published in one issue of a newspaper published in said municipality at least thirty days before such hearing and if any property owned by any railroad company is included in said list filed as aforesaid, the said auditor or clerk shall send a copy of said notice to be published, to the State Tax Commission, by registered mail together with a statement in duplicate showing name of railroad company and the description of property so listed within three days after publication of said notice and the said Tax Commission shall forthwith give the said railroad company notice of said hearing, and at such hearing the governing body shall proceed to equalize such valuation, and the valuation as so equalized shall be used in making such special assessment.

4. A full description, together with the owner's name and the number of feet of frontage of each lot, part of lot and parcel of land within the sewer district fronting or abutting upon the street or streets, alley or alleys, in which such main or trunk sewer is to be constructed or abutting on such sewer where the same is not laid in any street or alley.

5. An estimate of the cost of the construction of a sewer along the same course as that in which such main or trunk sewer is to be constructed of sufficient size and depth to provide sewerage for the abutting property if it were not to be used as a main or trunk sewer, and of construction suitable for the connection of service sewers in such district for the total distance which such main or trunk sewer is to be constructed within such district and the amount it would be necessary to assess upon each lot, part of lot, and parcel of land fronting or abutting upon the street or alley in which such sewer is to be constructed, or abutting on such sewer where the same is not laid in any street or alley, to construct such sewer, determining such amount by dividing the total cost of such improvement by the number of feet fronting or abutting upon such street or streets, alley or alleys, and the quotient shall be the amount assessed per front foot upon the property fronting or abutting thereon.

6. The amount which will be required to construct such main or trunk sewer in addition to the amount to be assessed against the lots, parts of lots, and parcels of land fronting or abutting upon the street in which such main or trunk sewer is to be constructed, or fronting or abutting upon such main or trunk sewer where the same is not laid in any street or alley, which shall be determined by deducting the total amount so assessed against the abutting property from the total costs of the construction of such main or trunk sewer, which amount so remain-

ing shall be apportioned to each lot, part of lot, and parcel of land within such sewer district according to the assessed valuation thereon, exclusive of improvements.

Approved March 12, 1921.

CHAPTER 318.

(H. B. 177)

RELATING TO SPECIAL ASSESSMENTS.

AN ACT Entitled, An Act Amending Section 6396 of the South Dakota Revised Code of 1919, Relating to Assessment Roll.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6396 of the South Dakota Revised Code of 1919 be amended to read as follows:

Section 6369. Assessment Roll.] At any time after the execution of any contract for any local improvement for which special assessments are to be levied, and not later than the completion and acceptance of work called for in said contract the governing body shall cause to be made and filed in the office of the city auditor or town clerk an assessment roll, showing:

1. The name of the owner of each piece or parcel of land to be assessed as shown by the assessment roll of the city or town assessor.

2. A description by lot, block and addition or by metes and bounds of each piece or parcel of land to be assessed.

3. The amount in dollars and cents of the assessment against each piece or parcel of land assessed.

Approved March 12, 1921.

CHAPTER 319.

(H. B. 183)

RELATING TO SPECIAL ASSESSMENT BONDS.

AN ACT Entitled, An Act to Amend Section 6409 of the South Dakota Revised Code of 1919, Relating to the Issuance of Bonds by Municipal Corporation.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6409 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 6409. Bonds Issued in Lieu of Assessment Certificates.] Whenever any special assessment is divided into installments, the governing body of the municipal corporation, in place of issuing assessment certificates as provided in Section 6104, may by ordinance provide for the issuance of its negotiable bonds without a vote of the electors in an amount equal to the entire assessment and sell the same at not less than par with accrued interest, to pay the cost of the improvement; all such

bonds shall mature not later than the maturity of the last assessment installment and bear such rate of interest; not exceeding six per cent per annum, payable annually or semi-annually, as the governing body may provide; and all amounts derived from the special assessment shall be used for the payment of such bonds and interest, and for no other purpose.

Approved March 12, 1921.

CHAPTER 320.

(S. B. 256)

RELATING TO SPECIAL ASSESSMENT CERTIFICATES.

AN ACT Entitled, An Act to Amend Section 6404 of the South Dakota Revised Code of 1919 as Amended by Chapter 269 of the Session Laws of 1919, Relating to Special Assessment Certificates.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6404 of the South Dakota Revised Code of 1919, as amended by Chapter 269 of the session laws of 1919, be and the same is hereby amended to read as follows:

Section 6404. Special Assessment Certificates.] Whenever the contract price of any local improvement is payable in assessment certificates, the city auditor or town clerk shall make a special assessment certificate for each lot, tract or parcel or land against which the assessment is levied, stating in such certificate the amount thereof, the description of the lot, tract or parcel, the rate of interest which shall be payable annually, at the maturity of each installment thereof on the whole sum then remaining unpaid, and the date upon which interest thereon shall begin to accrue, which certificate shall bear the same consecutive number as the item of assessment for which the same is issued, as shown on the special tax book, and shall be signed by the Mayor or President of the Board of Trustees, shall be countersigned by the City Auditor or Town Clerk, and shall have the corporate seal of the Municipal Corporation affixed thereto.

Approved March 12, 1921.

CHAPTER 321.

(H. B. 159)

RELATING TO VACANCY IN OFFICE OF ALDERMAN.

AN ACT Entitled, An Act to Amend Section 6218 of the Revised Code of 1919, Relating to Vacancy in the Office of Alderman.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6218 of the Revised Code of 1919 be amended to read as follows:

Section 6218. If any vacancy shall occur in the office of Alderman by death, resignation, removal, or otherwise, such vacancy shall be filled by the City Council, by appointment, until the next regular election, of some qualified person from the ward in which such vacancy exists.

Approved February 25, 1921.

Municipal Courts

CHAPTER 322.

(H. B. 204)

RELATING TO GARNISHMENT.

AN ACT Entitled, An Act to Amend Sections 2242 and 2248 of the South Dakota Revised Code of 1919, Relating to Summons, Notices and Garnishee Summons in Municipal Courts.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 2242 of the South Dakota Revised Code of 1919 is hereby amended to read as follows:

Section 2242. Summons and Garnishee Summons—Service.] The Summons shall require the Defendant to serve a copy of his answer within ten days after the service of the summons, exclusive of the day of service, except in cases of forcible entry and detainer, or detainer only, in which the time shall be four days. The Summons shall be served as summonses are served in the Circuit Court; provided that when the action is brought upon a joint contract, obligation or liability of two or more persons, who at the time of the issuing of the summons, or during the pendency of the action are in different counties, and the summons has been served on a Defendant within the county wherein the action is brought, it may be served on any defendant outside of said county; but in an action upon a promissory note, the defendant served within the County where the action is brought must have been a party to the note when first delivered.

The Garnishee Summons shall be substantially in the form provided in Section 2455 of the South Dakota Revised Code of 1919, except that the garnishee defendant shall be required to answer and make disclosure thereunder within ten days after the service thereof instead of thirty as provided therein.

Section 2. That Section 2248 of the South Dakota Revised Code of 1919 is hereby amended to read as follows:

Section 2248. Notices.] Except as to sales under executions and as otherwise specially provided, the time within which pleadings may be served and other acts performed shall be one-half of the time required in the circuit court, but in no case less than five days. And except that in garnishment actions in Municipal Courts the time in which the several acts shall be done as provided by Sections 2456, 2460, 2461, 2464 and 2466 shall be ten days instead of thirty days as therein provided. Executions shall be returnable within thirty days from the date of issue, and may be twice extended by the clerk for periods of thirty days each. The period for the publication of summons shall be two successive weeks.

Approved February 25, 1921.

Negotiable Instruments

CHAPTER 323.

(H. B. 140)

RELATING TO NOTES GIVEN FOR MEDICAL TREATMENT.

AN ACT Entitled, An Act to Repeal Sections 1902 and 1903 of the Revised Code of 1919, Relating to Notes Given for Medical Treatment and For Medicine.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Sections 1902 and 1903 of the Revised Code of 1919 be and the same are hereby repealed.

Approved February 16, 1921.

Normal Schools

CHAPTER 324.

(S. B. 152)

RELATING TO NAMES OF NORMAL SCHOOLS.

AN ACT Entitled, An Act to Amend Section 5610 of the South Dakota Revised Code of 1919, Relating to Name and Location of State Normal Schools.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 5610. of the Revised Code of 1919, be and the same is hereby amended to read as follows:

Section 5610. Location, Name, Control.] The normal School, as established and located at Madison in Lake County, the Normal School, as established and located at Spearfish, in Lawrence County, and the normal school, as established and located at Springfield, in Bon Homme County, shall continue to be the normal schools of the state, to be known as the "Eastern South Dakota State Normal School," the "Spearfish Normal School" and the "Southern State Normal School," respectively, the control of which is vested in the board of regents.

Approved March 12, 1921.

Parent and Child

CHAPTER 325.

(S. B. 175)

RELATING TO CUSTODY OF MINORS.

AN ACT Entitled, An Act to Amend Section 184 of the South Dakota Revised Code of 1919, Relating to the Custody by the Parents of Legitimate Minor Children.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 184 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 184. Custody—Who Entitled.] The father and mother of a legitimate unmarried minor child are equally entitled to its custody, service and earnings. If either the father or mother be dead or refuse to take the custody or has abandoned his or her family, the other is entitled to its custody, service and earnings.

Approved March 10, 1921.

Parks

CHAPTER 326.

(S. B. 181)

RELATING TO CLOSING OF GATES OF PARKS, ETC.

AN ACT Entitled, An Act Requiring the Closing of the Gates Surrounding or Within the Federal or State Parks or Game Preserves Within this State and Making its Violation a Misdemeanor.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That any person passing or driving any animal or conveyance through any gate located within or upon the borders of any State or Federal Park or Game Preserve within this State shall close and securely fasten such gate immediately after such passage. Any person violating the foregoing provision shall be deemed guilty of a misdemeanor and shall be punishable by a fine of not less than \$25.00 nor more than \$100.00, or by imprisonment in the County Jail not more than thirty days, or both such fine and imprisonment in the discretion of the Court.

Approved February 25, 1921.

CHAPTER 327.

(S. B. 183)

RELATING TO TRESPASS BY ANIMALS IN STATE PARKS.

AN ACT Entitled, An Act to Prevent Trespass by Animals Upon State Parks or Game Preserves, and Making Violation of its Provisions a Misdemeanor.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. It shall be unlawful for any person, association, or corporation owning or having in his, their or its charge or possession any horses, mules, cattle, goats, sheep, swine, or other like animals, to cause or permit such animals to enter or graze upon any State Park or Game Preserve within this state, except on permits issued by the State Park Board or other governing body. Any person, association or corporation violating the provisions of this Act shall be deemed guilty of a misdemeanor and shall be punishable by a fine of not less than \$25.00 nor more than \$100.00, or by imprisonment in the County Jail not more than thirty days, or both such fine and imprisonment in the discretion of the Court.

Approved March 2, 1921.

Poisons

CHAPTER 328.

(S. B. 176)

RELATING TO THE LAYING OUT OF POISONS.

AN ACT Entitled, An Act to Amend Section 3977 of the Revised Code of 1919, Relating to the Laying Out of Poisons.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 3977 of the Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 3977. Every person who shall lay out strychnine or other poison, within the limits of any city or town, or within one mile of any dwelling house, or any barn, stable or outbuilding used at the time for the keeping or shelter of horses, cattle, sheep or swine, or within one-half mile of any traveled highway, is guilty of a misdemeanor; provided, nothing in this section shall be construed to prohibit the putting out at any time of poisoned grain for the purpose of killing gophers, and provided further, that this section shall not apply to the laying out of poison by the State Game and Fish Commission, its employees or agents or persons or forces cooperating with or under the direction of said commission, for the extermination of predatory animals, nor shall it apply to the laying out of poison by duly licensed hunters of big game in this state, when such poison shall be issued by the State Game and Fish Commission to the holders of big game hunting licenses in this state.

Approved March 1, 1921.

Primary Elections

CHAPTER 329.

(H. B. 46)

RELATING TO PARAMOUNT ISSUE AND JOINT DEBATES.

AN ACT Entitled, An Act to Repeal Sections 7125 and 7126 of the South Dakota Revised Code of 1919, Relating to Paramount Issue and Public Joint Debate.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Sections 7125 and 7126 of the South Dakota Revised Code of 1919, be and are hereby repealed.

Approved February 7, 1921.

CHAPTER 330.

(H. B. 56)

RELATING TO PARTY INDORSEMENT FOR APPOINTIVE OFFICES.

AN ACT Entitled, An Act to Repeal Sections 7163, 7164 and 7165 of the South Dakota Revised Code of 1919, Relating to Official Party Indorsement to Appointive Offices and the Manner of Determining Such Indorsement.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Sections 7163, 7164 and 7165 of the South Dakota Revised Code of 1919, be and are hereby repealed.

Approved February 8, 1921.

CHAPTER 331.

(S. B. 76)

RELATING TO PARTY PLATFORM.

AN ACT Entitled, An Act to Repeal Section 7099 of the South Dakota Revised Code of 1919, Relating to Party Platform.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 7099 of the South Dakota Revised Code of 1919 be and the same is hereby repealed.

Approved February 15, 1921.

CHAPTER 332.**(H. B. 55)**

RELATING TO CANDIDATES FOR POSTMASTER.

AN ACT Entitled, An Act to Repeal Sections 7166 to 7175, Both Inclusive, of the South Dakota Revised Code of 1919, Relating to Candidates for Postmaster.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Sections 7166 to 7175, both inclusive, of the South Dakota Revised Code of 1919, be and are hereby repealed.

Approved February 7, 1921.

CHAPTER 333.**(S. B. 81)**

RELATING TO PUBLICITY PAMPHLET.

AN ACT Entitled, An Act to Repeal Sections 7127, 7128 and 7129 of the South Dakota Revised Code of 1919, Relating to Publicity Pamphlet.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Sections 7127, 7128 and 7129 of the Revised Code of 1919 be and the same are hereby repealed.

Approved February 14, 1921.

Public Dance Halls

CHAPTER 334.**(H. B. 167)**

RELATING TO PUBLIC DANCE HALLS.

AN ACT Entitled, An Act Repealing Sections 4383, 4384, 4385 and 4386 of the South Dakota Revised Code of 1919, and Providing for Licensing and Regulating the Public Dance Halls in the State of South Dakota, and Providing a Penalty.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. License Required.] It shall be unlawful for any person or persons, firm or corporation, to conduct, operate or maintain a public dance hall within the State of South Dakota, without first obtaining a license therefor from the county commissioners of the county in which such dance hall is to be located; provided, that this Act shall not apply

to public dance halls licensed and regulated by any municipal corporation in the State including such dance halls as are located within one mile of the limits of any municipal corporation and are regulated and licensed by said municipal corporation.

Section 2. A public dance hall, as the term is used in this Act, shall be construed to mean any person, place or space open to public patronage in which dancing, wherein the public may participate, is carried on and to which admission may be had by the public, by payment either directly or indirectly of an admission fee or price for dancing, for the personal gain or profit of the person, firm or corporation, conducting, maintaining or operating such public dance hall.

Section 3. License—How Procured.] Any person or persons, firm or corporation, desiring to conduct, maintain or operate any public dance hall within the State of South Dakota, except as provided in Section 1 hereof, shall make application to the County Commissioners of the County in which such dance hall is located, for permission therefor; which application shall state the location of the room, place, hall or building, the name of the person or persons intending to operate the same, if a firm or co-partnership the names of the persons constituting the same, and if a corporation, the names of the president, secretary and treasurer thereof, and which application shall further state the length of time which said person or persons, firm or corporation desire to engage in said business. If said application is acted upon favorably by a majority vote of the County Commissioners, the County Auditor shall issue a license to said applicant for the length of time stated in said application, upon the payment of the license fee hereinafter provided.

Section 4. License Fee.] The amount required to be paid for a permit or license for the conducting, maintaining or operating of any public dance hall as hereinbefore specified, shall be fixed by the Board of County Commissioners and not to exceed the following sums, to-wit: Fifty (50) dollars for one week; seventy-five (75) dollars for one month; and one hundred (100) dollars for one year; which sum shall be paid to the County Treasurer of the county where such dance hall is to be located.

Section 5. Minors Not Allowed.] It shall be unlawful for any person or persons, firm or corporation engaged in, conducting or operating a public dance hall in the State of South Dakota to suffer, permit or allow any person under the age of eighteen (18) years, unaccompanied by his or her father, mother or legally appointed guardian, to enter or remain in said dance hall. It shall be unlawful for any person or persons under the age of eighteen (18) years, unaccompanied by his or her father, mother or legally appointed guardian, to enter or remain in said dance hall.

Section 6. Certain Dances Forbidden.] It shall be unlawful for any person or persons, firm or corporation conducting or operating a public dance hall within the State of South Dakota to permit, suffer or allow any person or persons in attendance at such dance hall to dance or participate in any immodest, suggestive, lewd or immoral dance; and it shall be unlawful for any person or persons in attendance at any such public dance hall to engage in or participate in any immodest, suggestive, lewd or immoral dance.

Section 7. Lighting Grounds.] It shall be the duty of the person or persons, firm or corporation or manager in charge of such public dance hall within the State of South Dakota, to provide adequate illumination for the purpose of lighting all the adjoining grounds used by the participants in connection with such public dance hall, and all of

said grounds adjoining said public dance hall used in connection therewith shall be lighted during the entire time that such public dance hall shall be used for dancing, except dances in the day time. It shall be unlawful for any person or persons, firm or corporation or manager in charge of any public dance hall to allow or permit dancing in said dance hall in the night time with dimmed or extinguished lights.

Section 8. Dance Halls—When Open.] It shall be unlawful for any person or persons, firm or corporation owning, controlling or operating a public dance hall within the State of South Dakota, to suffer, permit or allow the same to be open, or dances participated in therein, between the hours of two o'clock, a.m. and seven o'clock a.m. upon week days, and the same shall be closed from the hour of twelve o'clock midnight on Saturday evening and remain closed to the public until seven o'clock a.m. on the following Monday.

Section 9. Supervision.] It shall be the duty of the County Sheriff and the Chief Probation Officer of the County Court to enforce the provisions of this Act, and for that purpose such officer or officers or their deputies or assistants may enter such dance hall at any time and may remove therefrom any person found to be in an intoxicated condition or offending against morality or decency or violating any state law or any of the provisions of this Act. The Board of County Commissioners, if they deem it necessary, may require the employment of a matron or special officer to supervise dances conducted in public dance halls. Said matron or officer to be appointed by the said Board at a fixed compensation to be paid by the person or persons, firm or corporation operating such dance.

Section 10. Powers of Municipal Corporations.] Nothing in this Act contained shall be construed as limiting the powers now conferred by law upon municipal corporations in the licensing and regulating of public dances or dance halls within the jurisdiction of such municipal corporation, or within one mile of the limits of such municipal corporation.

Section 11. Penalty.] Any person or persons, firm or corporation violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction, shall be punished by a fine of not less than five (5) dollars, nor more than one hundred (100) dollars, or by imprisonment in the county jail not exceeding thirty (30) days, or by both such fine and imprisonment, and the Board of County Commissioners may revoke any license issued under the provisions of this Act.

Section 12. Repeal.] Sections 4383, 4384, 4385 and 4386 of the South Dakota Revised Code of 1919 are hereby repealed.

Approved March 12, 1921.

Public Funds

CHAPTER 335.

(H. B. 72)

RELATING TO THE DEPOSIT OF PUBLIC FUNDS.

AN ACT Entitled, An Act Regulating the Depositing of all County, Municipal, Township and School Funds Within the State of South Dakota.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That all funds of every kind and character, including moneys, credits or other assets, for the safety of which the treasurer of any county, municipality, township or school district is chargeable, shall be deposited in banks within the State of South Dakota, unless otherwise specifically provided by law.

Section 2. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 1, 1921.

CHAPTER 336.

(H. B. 20)

RELATING TO EMERGENCY BUILDING FUND.

AN ACT Entitled, An Act to Amend Section 6892 of the Revised Code of 1919, Pertaining to the Emergency Building Fund, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6892 of the Revised Code of 1919 be revised to read as follows:

Section 6892. Emergency Building Fund.] The emergency fund, heretofore created, shall be used only for the purpose of rebuilding, restoring or repairing buildings, office furniture, library books and other personal property belonging to the state that may be destroyed or injured by fire, lightning, or tornado. In case of any such building, office furniture, library books or other personal property shall be so destroyed or injured, the board or commission having it in charge may, upon the authorization of the governor and the attorney general, rebuild, restore or repair the same and the payment therefor may be made from the emergency building fund, upon vouchers itemized, certified and verified as provided by law and approved by such board, the governor and the attorney general; and there is hereby annually appropriated out of any money in the state treasury not otherwise appropriated the sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary to meet the expenditures authorized by this section, it being the intent of this section that there shall be available for the purposes prescribed herein, in each fiscal year, the sum of one hundred and fifty thousand dollars, and no more.

Section 2. Whereas, several of the state departments have been removed from the capitol to another building, where the fire hazard is great, and should a fire occur such departments would be left entirely helpless to continue their work, this act is declared to be necessary for the immediate preservation and support of the state government and its existing institutions and therefore an emergency is declared to exist and this act shall take effect upon its passage and approval.

Approved January 27, 1921.

CHAPTER 337.

(S. B. 299)

PROVIDING FOR TEMPORARY TRANSFER OF COUNTY FUNDS.

AN ACT Entitled, An Act Providing for the Temporary Transfer of Funds in the County Treasury.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Whenever moneys shall have been actually provided for any funds of the county by a levy of taxes, and such moneys shall not have been actually collected and covered into the county treasury, but concerning the receipt of which moneys there can be no question, the Board of County Commissioners are authorized, by a unanimous vote to anticipate the receipt of such moneys into such fund by drawing temporarily upon the moneys in any other fund of the county for which there shall not be immediate use. Any fund temporarily depleted by virtue of the foregoing provision shall be fully restored within nine months after a draft upon the same for the benefit of another fund shall have been made, and the moneys coming into the latter fund shall first be used to restore such depletion. The board shall provide, at the time of making such withdrawal, for reimbursing the fund from which moneys are thus temporarily withdrawn. The books of the county treasurer shall at all times show the true amount of moneys in any particular fund, as well as any temporary withdrawal therefrom.

Approved March 12, 1921.

CHAPTER 338.

(S. B. 232)

AUTHORIZING TEMPORARY TRANSFER OF FUNDS OF HANSON COUNTY.

AN ACT Entitled, An Act Authorizing the Board of County Commissioners of Hanson County, South Dakota, to Transfer Funds from the County General Fund to the Road and Bridge Funds for the Purpose of Constructing and Repairing Highways and Bridges in Hanson County, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Whereas recent floods have caused heavy damages to the roads and to several of the bridges upon the highways of Hanson County during the past year rendering such roads impassable and whereas the said Hanson County is now constructing one of the State

Trunk Highways through Hanson County, Known as Federal Aid Project Number 24, and there is not sufficient money remaining in the bridge and road funds of said county to repair such damage and complete said Federal Aid Project, and whereas it appears that there is more money in the general funds of said county than is or will be needed for general county purposes during the current fiscal year; therefore the County Auditor and County Treasurer of said Hanson County, acting under the authority and directed to transfer from the county general fund to the road and bridge funds of said county such amounts of money as may in the judgement of the Board of County Commissioners be required to repair the damaged roads and bridges of said county; provided, however, that there shall remain in the county general fund an amount sufficient for general county purposes for the current year.

Section 2. Whereas, this Act is necessary for the immediate preservation of the public safety and for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1921.

Public Health

CHAPTER 339.

(S. B. 295)

RELATING TO VENEREAL DISEASES.

AN ACT Entitled, An Act to Amend Section 3 of Chapter 284 of the Session Laws of 1919, Relating to Venereal Diseases.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 3 of Chapter 284 of the Session Laws of 1919 Relating to Venereal Diseases, be amended to read as follows:

Section 3. State, County and Municipal health officers, or their authorized deputies, within their respective jurisdiction are hereby directed and empowered to require persons infected with venereal disease to report for treatment to a reputable physician and continue treatment until cured, or to submit to treatment provided at public expense until cured, and also, when in their judgement it is necessary to protect the public health, to isolate or quarantine persons infected with venereal disease. It shall be the duty of all local and state health officers to investigate sources of infection of venereal disease, to cooperate with the proper officials whose duty it is to enforce laws directed against prostitution, and otherwise to use every proper means for the repression of prostitution. Any person convicted of being a prostitute or inmate of a disorderly house who may be found to be infected with venereal disease in a stage which, in the opinion of the health officer, is or is apt to become communicable, shall be quarantined or isolated so long as such person is so infected.

Approved March 12, 1921.

Public Lands

CHAPTER 340.

(S. B. 182)

RELATING TO USE OF FIRE TOOLS OF FOREST SERVICE.

AN ACT Entitled, An Act Prohibiting the Breaking, Removal, Molesting or Interfering With Fire Tools or Tool Boxes and Providing Penalties Therefor.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. It shall be unlawful for any person to break, remove or in any manner interfere with or molest any fire tool boxes or any fire tools, implements or equipment furnished and located by the state or federal forest service upon any of the public lands or elsewhere within this state excepting when necessary to use in case of fire. Any person found guilty of violating any of the foregoing provisions shall be deemed guilty of a misdemeanor and shall be punishable by a fine of not less than \$100.00 nor more than \$500.00 or by imprisonment in a county jail for not less than thirty days nor more than six months or by such fine and imprisonment.

Approved February 25, 1921.

Public Markets

CHAPTER 341.

(H. B. 99)

RELATING TO CHAMBERS OF COMMERCE, ETC.

AN ACT Entitled, An Act Declaring Chamber of Commerce, Board of Trade or Exchanges Where the Members Thereof Deal or Trade in Grain, Livestock or Other Farm Products to be Public Markets, to Regulate the Membership Thereof and the Rights of Members Therein.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Every Chamber of Commerce, Board of Trade or Exchange maintaining or operating a regular place of business or trading room for members only, in which the members buy, sell or exchange grain, livestock or other farm products for themselves or for others, is hereby declared to be a Public Market subject to the provisions of this Act; provided, that this Act shall not apply to any such exchange or market whose total annual volume of transfers or exchanges does not exceed three million (3,000,000) bushels of grain, or one hundred thousand (100,000) head of live stock, or two million pounds (2,000,000) of butter fat.

Section 2. Every such market, whether heretofore or hereafter organized, shall be open to membership, with equal rights and privileges with all other members, to any person, firm, company, corporation or association desiring to deal in or trade in the commodity or commodities usually dealt in on such market, who shall make application for membership and whose methods of business operation or plan of organization shall not conflict with or contravene any reasonable rule, regulation or by-law of such market. All members shall be required to comply with all reasonable rules, regulations and by-laws of such organization, which may include the payment of a membership fee and reasonable assessments equally applicable to all members. The words "company," "corporation" or "association" herein designated shall include co-operative corporations or associations organized under the laws of the state of South Dakota. Any rule, regulation or by-law of such market which shall be designated or construed as controlling, limiting or modifying the articles of incorporation, constitution or by-laws of any association, company or corporation in the distribution of its profits to its stockholders and members shall be deemed to be unreasonable.

Section 3. Every such Chamber of Commerce, Board of Trade or Exchange which shall adopt any rule, regulation, by-law or order of whatever kind or form, or which makes any order in violation of the provisions of this act, or which shall refuse or unreasonably delay the admission of any such applicant to full and equal membership in any such organization, or which shall refuse to trade or deal with any member or permit any member to refuse so to deal with any other member on an equal basis with all other members, or which shall adopt, prescribe, construe or apply any rule, order, or regulation which shall have the effect of, or tends to, avoid or violate any of the provisions of this Act is hereby declared to be a monopoly in restraint of trade and guilty of a misdemeanor and may be prosecuted as provided by law, and further trading in said Chamber of Commerce, Board of Trade or Exchange, either by the organization itself or any member thereof shall be unlawful.

Approved March 12, 1921.

Public Officers

CHAPTER 342.

(S. B. 255)

RELATING TO CENSUS AS BASIS OF SALARIES.

AN ACT Entitled, An Act Relating to State and Federal Census and Salaries of Public Officers.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Every State or Federal census shall become effective as the basis for salaries of public officers, on the first day of January following the publication thereof by the proper authorities.

Approved March 3, 1921.

Public Printing

CHAPTER 343.

(S. B. 71)

RELATING TO DEPUTY COMMISSIONER.

AN ACT Entitled, An Act to Amend Section 6927 Revised Code of 1919 of the State of South Dakota as Amended by Chapter 287 of the Session Laws of South Dakota of 1919 Relating to Public Printing.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6927 Revised Code of 1919 of the State of South Dakota as Amended by Chapter 287 of the Session Laws of South Dakota of 1919 be further amended to read as follows:

Section 6927. Deputy Commissioner, Salary, Bond.] The commissioner of Public Printing shall have the power to appoint a deputy commissioner at a salary of three thousand six hundred dollars per annum, who shall be an efficient and practical printer. The person so appointed shall proceed to qualify by taking the constitutional oath of office and executing an official bond in the sum of ten thousand dollars, with sufficient sureties to be approved by the commissioner conditioned for the faithful discharge of the duties of his office. The deputy commissioner when acting for the commissioner, shall have and exercise equal power and authority, subject to the approval of the commissioner, and shall attend to and perform any and all detail work relative to public printing, stationery and supplies as the commissioner may direct. Such deputy commissioner, when not engaged in the duties of his office, shall devote his time as clerk to the governor.

Approved March 8, 1921.

Railroad Commissioners

CHAPTER 344.

(H. B. 328)

RELATING TO INSPECTION OF SCALES.

AN ACT Entitled, An Act to Amend Section 9583 of the Revised Code of 1919 of the State of South Dakota Relating to the Supervision, Control and Inspection of Track Scales Used in Weighing Cars of Freight Offered for Shipment in Carload Lots or in Weighing Livestock at Stock Yards and to the Inspection, Testing and Repairing of all Private, Farm, Town and City Scales Used in Weighing Hay, Grain, Wood, Coal and Live Subjects of Commerce When Weighed in Ton Lots; and Defining the Duties of the Board of Railroad Commissioners in Relation Thereto, and Prescribing Penalties.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 9583 of the Revised Code of 1919 of the State of South Dakota be and the same is hereby amended to read as follows:

Section 9583. Duty to Inspect.] Whenever requested so to do by any common carrier or shipper, or by any other person owning or using a scale under the jurisdiction of such board, or whenever necessary or proper in the judgment of such board, it shall be the duty of such board, by any one or more of its members or by any authorized inspector or agent, to inspect and test any such scale; provided, that such board shall not be obliged to inspect or test any farm scale, except upon request of the owner or some person using or about to use the same, and in such cases only under reasonable conditions, rules and regulations to be fixed and prescribed by the board; and for that purpose the board is authorized to provide itself with proper facilities, devices or assistants for making such inspections or tests. And whenever any scale shall be found to be incorrect, it shall be unlawful for the common carrier or shipper or other person owning or operating such scale to permit the same to be used again until it shall have been reexamined and retested and found to be correct. If such scales are found to be incorrect and are condemned, upon the request of the owner of such scales or the persons in charge of the same it shall be the duty of the scale inspector or other person inspecting the same, with such competent assistance to be furnished by the owner of such scales or the person in charge of the same as may in the judgement of the said inspector or other person inspecting such scales be necessary, to repair the same immediately; provided, that if the securing of necessary parts for the repair of such scales will occasion delay, such inspector or person inspecting the same shall perform the work of making such repairs with assistance to be furnished as aforesaid, as promptly as possible; and, provided further, that the Board of Railroad Commissioners shall make and publish such reasonable rules and regulations for the inspection, testing and repairing of such scales as may be necessary and desirable and not inconsistent with the laws of this State, specifying therein among other things the extent and nature of the repairs which will in its judgment be practicable for its inspectors to make. In addition to the fee provided by law for the inspection of such scales, the owner or per-

son in charge of such scales shall pay to the Board of Railroad Commissioners one dollar (\$1.00) per hour for the time devoted by the inspector or other person inspecting such scales, to the work of repairing the same. The owner or person in charge of scale being repaired shall furnish all materials needed in making the repairs. All moneys collected under the provisions of this Section shall be, by the Board of Railroad Commissioners, deposited with the State Treasurer and by him kept in a separate fund and be expended only on vouchers approved by the Board of Railroad Commissioners pursuant to the provisions of Section 9757 of the Revised Code of 1919 of this State. Any person convicted of violating any provisions of this Section shall be punished by a fine not exceeding \$100 or by imprisonment in the county jail not exceeding thirty days for each offense.

Approved March 12, 1921.

CHAPTER 345.

(S. B. 88)

RELATING TO ENFORCEMENT OF ORDERS.

AN ACT Entitled, An Act to Amend Section 9596 of the Revised Code of 1919 of the State of South Dakota, as Amended by Chapter 81 of the Session Laws Passed at the Second Special Session of the Sixteenth Legislature of the State of South Dakota, Relating to the Enforcement of Orders Made by the Board of Railroad Commissioners.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 9596 of the Revised Code of 1919 of the State of South Dakota, as amended by Chapter 81 of the Session Laws of the Second Special Session of the Sixteenth Legislature of said state, be and it is hereby amended to read as follows:

Section 9596. Enforcement of Orders.] If any common carrier or any person, partnership, association, or corporation, or any officer, agent, or receiver of such common carrier, person, partnership, association, or corporation, having failed to apply to the Supreme Court for writ of certiorari to review any final order or decision of the Board of Railroad Commissioners, or having applied for such writ and the final order or decision of the Board having been affirmed, shall fail, neglect, or refuse to obey such final order or decision, the enforcement of such order or decision shall be by appropriate proceedings as provided in Section 9521 of the Revised Code.

Section 2. All acts and parts of acts in conflict with this provision are hereby repealed.

Approved March 12, 1921.

CHAPTER 346.**(S. B. 328)****RELATING TO ATTORNEY FOR RAILROAD COMMISSIONERS.**

AN ACT Entitled, An Act to Amend Section 9553 of the South Dakota Revised Code of 1919, Relating to the Attorney for the Railroad Commission.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 9553 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 9553. Attorney General—States Attorney—Duties.] The attorney general shall at all times, when requested, give the railroad commissioners such counsel and advice as they may from time to time require; and it shall be his duty to institute and prosecute, whenever requested by the board of railroad commissioners, any and all suits which such board may deem it expedient and proper to institute, and he shall render to such board such counsel, advice and opinions in writing, when requested, as are necessary to carry out the provisions of this article or any law of this state, according to the true intent and meaning thereof. The attorney general may, with the approval of the board of railroad commissioners, appoint an attorney for the board of railroad commissioners, who shall be an assistant attorney general of the state and whose term of office, when so appointed, shall be six years. It shall likewise be the duty of the states Attorney of any county in which suit is instituted, or prosecuted, to aid in the prosecution of the same to a final issue upon the request of such board or the attorney general.

Approved March 11, 1921.

CHAPTER 347.**(H. B. 77)****RELATING TO INSPECTION OF WAREHOUSES AND SCALES.**

AN ACT Entitled, An Act to Amend Sections 9765, 9756, 9573 and 9586 of the Revised Code of 1919, of the State of South Dakota, Relating to the Inspection of Public Warehouses and to the Inspection, Testing and Repairing of Scales Used for Weighing Grain at Public Warehouses and for Weighing of Other Commodities in Ton Lots in this State, and Prescribing Penalties.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 9765 of the Revised Code of 1919 of the State of South Dakota be and the same is hereby amended to read as follows:

Section 9765. Board to Test and Repair Scales.] The Board of Railroad Commissioners or any one or more members thereof or any agent, employee, or scale inspector of the Board may at any time without notice enter any public warehouse in this state and test and seal all weighing scales and measures used in conducting such warehouse business, and for that purpose the Board is authorized to provide itself

with standard weights and measures and such additional facilities and equipment, including motor vehicles or such other means of conveyance as in the judgment of the Board may be necessary and suitable in carrying on the work of inspecting, testing and repairing scales in this state. If the person making such inspection shall find any scales in use in such public warehouse inaccurate, he shall condemn the same and attach thereto a card, notice, or other device indicating that the scales are condemned. It shall thereafter be unlawful for any person to remove, deface or destroy such card, notice or other device placed upon condemned scales, or to again use, or permit the use of such scales for any purpose, until the same shall have been repaired, retested and found to be correct, and until the Board of Railroad Commissioners, or the person making the inspection, shall consent to the further use of such scales. If such scales are found to be incorrect and are condemned, upon the request of the owner of such scales or the person in charge of the same, it shall be the duty of the scale inspector or other person inspecting the same, with such competent assistance to be furnished by the owner of such scales or the person in charge of the same as may in the judgment of the said inspector or other person inspecting such scales be necessary, to repair the same immediately; provided, that if the securing of necessary parts for the repair of such scales will occasion delay, such inspector or person inspecting the same shall perform the work of making such repairs with assistance to be furnished as aforesaid, as promptly as possible; and, provided further, that the Board of Railroad Commissioners shall make and publish reasonable rules and regulations for the inspection, testing and repairing of such scales as may be necessary and desirable and not inconsistent with the laws of this state, specifying therein among other things the extent and nature of the repairs which will in its judgment be practicable for its inspectors to make. In addition to the fee provided by law for the inspection of such scales, the owner or person in charge of such scales shall pay to the Board of Railroad Commissioners one dollar (1.00) per hour for the time devoted by the inspector or other person inspecting such scales, to the work of repairing the same. The owner or person in charge of scale being repaired shall furnish all materials needed in making the repairs. All moneys collected under the provisions of this section shall be, by the Board of Railroad Commissioners deposited with the State Treasurer and by him kept in a separate fund and be expended only on vouchers approved by the Board of Railroad Commissioners pursuant to the provisions of Section 9757 of the Revised Code of 1919 of this state. Any person convicted of violating any provision of this section shall be punished by a fine not exceeding \$100.00 or by imprisonment in the county jail not exceeding thirty days for each offense.

Section 2. That Section 9756 of the Revised Code of 1919 of the State of South Dakota be and the same is hereby amended to read as follows:

Section 9756. Public Warehouse Inspection.] The Board of Railroad Commissioners shall cause every warehouse and the business thereof, and the mode of conducting the same, to be inspected at such times as it may deem necessary, by one or more members of the Board or by one of its agents, employees, or scale inspectors, who shall report in writing to the Board the result of such examination; and the property, books, records, accounts, papers and proceedings kept at such warehouses, so far as they relate to its condition, operation or management, shall at all times during the business hours be subject to the examination and inspection of such commissioners, their agents, em-

ployees and scale inspectors; and the Board of Railroad Commissioners may, in all matters arising under provisions of this article, exercise the power to subpoena and examine witnesses, conferred upon the Board by law in relation to railroad companies.

Section 3. That Section 9573 of the Revised Code of 1919 of the State of South Dakota, as amended by Chapter 295 of the Session Laws of 1919 of the State of South Dakota, be and the same is hereby amended to read as follows:

Section 9573. Scale Inspectors—Salary.] Whenever in the judgment of the Board of Railroad Commissioners of this state, the said Board is unable to adequately inspect the public warehouses, or the manner of conducting business therein, and to inspect and repair the scales in this state as required by law, the said Board is hereby authorized and empowered to appoint suitable and competent inspectors to aid the said Board in making such inspections and repairs, such appointments to be made for such time as the Board shall designate. Each person so appointed shall qualify by taking an oath of office and giving a bond to the state in the sum of one thousand dollars (\$1000.00) conditioned for the faithful performance of his duties; and he shall receive a salary of one hundred fifty (\$150.00) dollars per month and his necessary traveling expenses during the period of his employment, necessarily and actually incurred in the performance of his duties, the said salary and expenses to be paid upon vouchers itemized and accompanied by receipts as provided by law, to be approved by the Board of Railroad Commissioners. Such inspectors shall report to the Board of Railroad Commissioners at such time or times and in such manner as the said board may require.

Section 4. That Section 9586 of the Revised Code of 1919 of the State of South Dakota be and the same is hereby amended to read as follows:

Section 9586. Violation—Penalty.] Except as in this article otherwise provided, any person, partnership or corporation, neglecting or refusing to install a seal for the preservation of adjustment as required by Section 9582 of the Revised Code of 1919, upon any scale under the jurisdiction of the Board of Railroad Commissioners, after thirty days notice so to do; or removing, defacing or destroying any such seal placed upon any scale by any member of the Board of Railroad Commissioners or any agent, employee, or scale inspector of the Board for the purpose of fixing or preserving the adjustment of such scale in order to insure its accuracy; or removing, defacing, or destroying any seal, tag, card, notice, or other device, placed upon any scale by any member of the Board or by any agent, employee or scale inspector of the Board for the purpose of indicating that such scale has been condemned and must not be used; or using or permitting the use of any scale that shall have been tested and found to be incorrect, before the same shall have been again tested and found to be correct and the further use thereof authorized or consented to by the Board or one of its scale inspectors; or preventing or attempting to prevent or in any way interfering with any member, inspector, agent or employee of the Board of Railroad Commissioners entering the premises where such scales may be kept, or inspecting or testing such scales; or knowingly failing or neglecting to observe any reasonable rule or regulation of the Board of Railroad Commissioners relating thereto, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail not exceeding thirty days for each offense.

Section 5. Repeal.] All acts and parts of acts in conflict with any of the provisions of this act are hereby repealed.

Approved March 12, 1921.

CHAPTER 348.

(S. B. 332)

RELATING TO SALARIES.

AN ACT Entitled, An Act to Amend Section 9500 of the Revised Code of 1919 of the State of South Dakota, as Amended by Chapter 293 of the Session Laws of 1919, of the State of South Dakota, Relating to the Salaries of Railroad Commissioners.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 9500 of the Revised Code of 1919 of the State of South Dakota, as amended by Chapter 293 of the Session Laws of 1919 of the State of South Dakota, be, and the same is hereby amended to read as follows:

Section 9500. Salaries.] The salaries of members of the Board of Railroad Commissioners shall be as follows: For any member who shall have served as such for less than six years, three thousand five hundred dollars per annum; for any member who shall have served as such for six years or longer, four thousand five hundred dollars per annum.

Section 2. Repeal.] All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 14, 1921.

CHAPTER 349.

(S. B. 113)

RELATING TO STOCK YARDS.

AN ACT Entitled, An Act Providing for Regulation of the Handling and Feeding of Live Stock in Stock Yards and Feeding Yards on Railroad Property in this State.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. The business of handling and feeding live stock at stock yards or feeding yards owned by railroad companies or located upon railroad property in this state is a business that is affected with a public interest and as such is subject to regulation by the state. Jurisdiction and supervision over the handling and feeding of live stock in such stock yards or feeding yards are conferred upon the Board of Railroad Commissioners. Whenever any complaint is made to the Board of Railroad Commissioners pertaining to the method of handling or feeding of live stock, or the charges made therefor, the Board of Railroad Commissioners shall investigate such complaint in the manner provided by law for the investigation of complaints against railroads and it shall

have power to prescribe by order such relief as may be necessary and proper in such cases. The Board of Railroad Commissioners is fully authorized and empowered by its orders to establish just and reasonable, general or special rules, regulations and requirements to be observed by railroads and other persons owning, operating or in charge of stock yards or feeding yards on railroad property in this state, and by shippers whose live stock is confined in said stock yards or feeding yards; and by its orders, to fix and establish just and reasonable rates and charges for the handling or feeding of live stock in such stock yards, or feeding yards, located upon railroad property, whether the same are in charge of or owned or operated by the railroad company or by any other person, firm association or corporation, and to require all persons, firms, associations or corporations in charge of, owning or operating any such stock or feeding yards to make and file with the Board, under oath, such general or special reports or statements, containing such information concerning the methods of, and charges for, handling and feeding live stock, including statements of the quantities of hay and feed on hand or purchased and fed to live stock and the prices paid therefor and received on the sale thereof, as the board may from time to time specify or require to enable it to administer the provisions of this act.

Section 2. It shall be unlawful for any person, firm, association, corporation or railroad company in charge of, owning or operating any stock yards or feeding yards located upon railroad property in this state to refuse or neglect to prepare and file any report or statement requested by the board or to make any false or untrue showing, statement, or representation in any such report or statement, or to enforce or observe any rule or regulation or requirement or to charge, demand or collect any rate or charge for, or in connection with, the handling or feeding of live stock in such stock yards or feeding yards, other than or different from such rule, regulation, requirement, rate or charge, as the Board of Railroad Commissioners shall have fixed or established as hereinbefore provided, or shall have otherwise approved; provided, that it shall not be unlawful for anyone in charge of, owning, or operating such stock yards or feeding yards to continue in effect the rules, regulations, requirements, rates and charges in effect in this state on January 1st, 1921, until such time as the Board of Railroad Commissioners shall by a general or special order otherwise direct or determine. All rules, regulations, requirements, rates and charges fixed, established or approved by the Board of Railroad Commissioners pursuant to this act shall in all proceedings before the board or in court be presumed to be just and reasonable. Any person, firm, association, corporation, or railroad company, or any officer, agent, employee, or servant of any person, firm, association, corporation or railroad company convicted of violating any of the provisions of this act shall be subject to a fine not exceeding one hundred dollars for each offense.

Section 3. Any and all orders made by the Board of Railroad Commissioners pursuant to the authority conferred upon it by the provisions of this act may be enforced in the manner provided by Section 9521 of the Revised Code of 1919 of the state of South Dakota. The provisions of Chapter 81 of the laws passed at the Second special Session of the Sixteenth Legislature of the state of South Dakota shall be applicable in any proper case for a review of orders of the Board of Railroad Commissioners made pursuant to provisions of this act.

Section 4. Whereas this act is necessary for the immediate pres-

ervation of the public safety and for the support of the state government and its existing public institutions, an emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1921.

Railroads

CHAPTER 350.

(H. B. 339)

FIXING RATES OF TRANSPORTATION TO FIREMENS' TOURNAMENTS.

AN ACT Entitled, An Act Relating to Tournaments of the State Firemen's Association, and Fixing the Charges to be Paid to Railroads for Transporting the Members of Volunteer Fire Departments Which Are Members of Such Association and Their Baggage, and the Terms of Transporting the Same, Providing a Penalty for Violating the Provisions of this Act, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Whenever it shall be necessary for any bona fide member of a city or town volunteer fire department which fire department is a member of the State Firemen's Association, to travel upon any railroad in the State in order to attend the annual tournament of such association, the railroads of this State shall furnish transportation at a rate not to exceed two cents (2c) per mile for the whole distance to be traveled in going to and returning from the place where such annual tournament is held, upon such railroad or railroads within the limits of this State, for each member so carried including the usual amount of baggage; and all station or ticket agents or conductors shall sell first class tickets or furnish first class passage at the rate named, upon being notified that such members are travelling to or from such annual tournament. Whenever one or more of such members shall present to such agent or conductor a written statement of the Secretary of the association, showing the time and place in which the annual tournament of such association is to be held and with it a certificate of the City Auditor or Town Clerk, showing that he is a bona fide member of the city or town fire department, and that such fire department is a member of the State Firemen's Association, it shall be honored by the ticket agent or by the conductor by the issuance of a ticket at the rate provided for in this Act, and which ticket shall entitle the holder thereof to travel upon such railroad to the place of such tournament and return.

Section 2. Any officer, agent or employee of any railroad company who shall violate any of the provisions of this Act or who shall fail to comply with any of the provisions of this Act shall be guilty of a misdemeanor.

Section 3. Whereas, this Act is necessary for the immediate preservation of the public safety and for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1921.

Register of Deeds

CHAPTER 351.

(S. B. 165)

RELATING TO THE RECORDING OF AFFIDAVITS.

AN ACT Entitled, An Act Providing for the Record of Certain Affidavits, Making the Record Thereof or a Certified Copy of Such Record Prima Facie Evidence of the Statements Therein Contained and Providing for the Admission in Evidence of Such Instruments or the Record or Certified Copies Thereof.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Affidavits stating facts touching the identity of a party to any instrument of record, or stating that a party to any such instrument is or was single or married, or touching the fact as to whether or not the land mentioned in any such instrument is or was the homestead of a party or parties to such instrument or touching the identification of any plats or subdivisions of any municipal corporation may be recorded in the office of the Register of Deeds of any County where such instrument is recorded, or within which such municipal corporation is situated, and the record of such affidavits, or certified copies thereof shall be prima facie evidence of the facts touching any such matter, which are therein stated, and such affidavits, the record thereof or certified copies thereof shall be admissible in evidence without further proof.

Approved February 25, 1921.

CHAPTER 352.

(H. B. 19)

RELATING TO THE RECORDING OF CERTAIN INSTRUMENTS.

AN ACT Entitled, An Act to Amend Section 569 of the South Dakota Revised Code of 1919, Relating to the Recording of Certain Instruments.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 569 of the South Dakota Revised Code of 1919 be, and the same is hereby amended to read as follows:

Section 569. Judgements, Letters Patent and Certificates of Discharge May Be Recorded, Evidence Admissible.] Any instrument affecting the title to or possession of real property may be recorded as by law provided. Judgments affecting the title to or possession of real property, authenticated by the certificate of the clerk of court in which such judgments were rendered, may be recorded without acknowledgment or further proof. Letters patent from the United States and final receivers' receipts from the United States land offices, patents issued by the state of South Dakota, and contracts for the sale of

lands of the state of South Dakota, may be recorded without acknowledgment or further proof. Copies of such letters patent, duly certified by the commissioner of the general land office, copies of such patents and contracts of sale of the state of South Dakota, duly certified by the Commissioner of School and Public Lands, may be recorded without acknowledgment or further proof. Certificates of discharge of soldiers, sailors, marines and all other persons who have served in the armies or navies of the United States, or of any of its allies in any war in which the United States has engaged, including the Worlds' War, or copies of such discharge papers certified or authenticated in the manner prescribed by the statutes of the United States, or the regulations of the military department of the Federal Government, may be recorded without acknowledgment or further proof; and all such discharge papers which may have been recorded in any county in this state prior to the date upon which this act became effective shall be deemed to have been duly and lawfully recorded and to impart notice of the contents thereof from the date of such recording. Copies of the records of such Letters Patent, Receivers' Receipts, Patents, Contracts of Sale of the State of South Dakota and Certificates of Discharge, and of the record of such duly certified copies of such letters patent, final receivers' receipts, patents, contracts of sale of real property and certificates of discharge, shall, when duly certified by the custodian of such records, be admissible in evidence without further proof.

Approved January 31, 1921.

Rental Storage Batteries

CHAPTER 353.

(S. B. 48)

RELATING TO RENTAL STORAGE BATTERIES.

AN ACT Entitled, An Act Making it a Misdemeanor for Any Person Other Than the Owner, or His Agent, to Knowingly Remove Identification Marks on Rental or Other Storage Batteries or Recharging Rental Storage Batteries and Defining Rental Storage Batteries.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. A rental storage battery as used in this Act is a storage battery on which the word rental, or some abbreviation of said word, is branded on the side thereof in letter, or letters, not less than one inch in height.

Section 2. Any person other than the owner thereof, or his agent, who knowingly removes, defaces, alters or destroys the word rental, or any abbreviation of said word or any number or words, or other identification mark or painting on a rental or other storage battery, or who recharges a rental storage battery without written permission from the owner thereof is guilty of a misdemeanor.

Approved March 1, 1921.

Rodent Pests

CHAPTER 354.

(H. B. 279)

RELATING TO RODENT PESTS.

AN ACT Entitled, An Act Providing for the Extermination of Rodent Pests, Authorizing Counties to Create a Fund for that Purpose, Making an Appropriation for Such Work on State School and Public Lands, and Compensating Counties for Such Work Already Done on State School and Public Lands, Repealing Chapter 303 of the Session Laws of South Dakota for 1919, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. The Board of County Commissioners of any county in this state is authorized and upon petition of 15% of the resident freeholders of the county, it shall be their duty to appropriate money from the general fund available in the treasury of such county, or at any time fixed by law for levy and assessment of taxes, to levy a tax not exceeding one mill on the dollar of assessed valuation, upon all horticultural, farming and grazing land of such county, the proceeds of which shall be used solely for the purpose of promoting the destruction of prairie dogs, ground squirrels, pocket gophers and other injurious rodents in said county; and said fund shall be denominated the "Fund for the Control and Eradication of Injurious Rodents" and shall be kept separate and distinct by the county treasurer and shall be expended to purchase and provide supplies, hire labor and provide any other necessary means for the eradication of such pests.

Section 2. The Board of County Commissioners of any county engaging in the destruction of injurious rodents under the provisions of this act may compensate for or provide poison or other supplies, and authorize and employ a person or persons to poison, kill, and otherwise eradicate injurious rodents within such county, and any person or persons so authorized is hereby empowered and directed to enter upon any farm, railroad right of way, grounds, or premises to ascertain conditions and to poison, kill, or otherwise eradicate the said pests thereon when the owner of the grounds shall neglect or refuse to do so.

Section 3. Whenever the County Commissioners in any county shall make provision for the destruction of injurious rodents under the provisions of this act, it shall be the duty of the person or persons employed to take charge of the work to mail notices to all owners of farms or other lands or premises within the county which may be infested with rodent pests, giving them ten days notice to poison, kill or otherwise exterminate such pests. It shall be considered due and sufficient notice if notices are mailed to the latest known address of the land owner or such name and address as may be shown on the tax lists in the office of the County Auditor. In case of land or right of way of any railroad, such notice shall be served upon the agent of said company at the station or stations nearest to such land or right of way and in the case of state school and public lands said notice shall be mailed to the Commissioner of School and Public Lands at Pierre, South

Dakota. If the work of exterminating rodent pests is not done within the time specified in the said notice, the person or persons so authorized by the county commissioners shall proceed to poison, kill or otherwise exterminate such injurious rodents on such land or premises.

Section 4. Any person or persons authorized under the provisions of this act to poison, kill or otherwise exterminate injurious rodents shall make a sworn statement to the County Auditor of the time put in and poison and other supplies used in the actual extermination of injurious rodents on each description of land and an amount sufficient to pay for same shall be charged as taxes against each tract of land on which the said expenses were incurred and shall be collected the same as other taxes, and shall be credited to the general fund of the county; provided that in case the amount so collected shall not be sufficient to meet all such expense the deficiency shall be charged against the fund created by the county commissioners under the provisions of this act, and any deficiency heretofore created shall be charged against the general fund of the county; provided that the maximum charge against any tract of land including state school and public lands, containing 160 acres or more shall not be greater in any one year than at the rate of fifteen dollars (\$15.00) for 160 acres, and the minimum charge shall not be less than one dollar (\$1.00) against any tract of land; provided that in case of work of eradication done upon state school and public land the County Auditor shall file a certified copy of said statement so far as it applies to state school and public land with the Commissioner of School and Public Lands and compensation for such work shall be made as hereinafter provided.

Section 5. All poison and poisoned baits prepared and distributed under the authority of the Board of County Commissioners for the destruction of injurious rodents shall be placed in containers plainly labeled to show the character and purpose of the contents thereof, and when poison or poisoned baits are laid out, all persons shall use the best known precautions to prevent the destruction of domestic fowls or animals or game birds.

Section 6. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of ten thousand dollars (\$10,000.00) for the calendar years of 1921 and 1922 to be expended for the purpose of eradicating injurious rodent pests detrimental to crop and forage production from state school and public lands and for the purpose of compensating counties for such work heretofore done on state and public lands.

Section 7. The appropriation made in section 6 of this act shall be expended by the Commissioner of School and Public Lands of the State of South Dakota in cooperation with the proper Federal or State Department but no part of such appropriation shall be paid for bounties. In case the work of rodent extermination upon school and public lands is not done within the time specified in a notice provided for in this act, the person or persons employed by the County Commissioners for that purpose shall proceed to poison, kill or otherwise exterminate such injurious rodents on such state school and public lands and the County Auditor shall file a certified statement with the Commissioner of School and Public lands showing the expense of the work on such lands, and the amount of the cost of such extermination, not exceeding fifteen dollars (\$15.00) per tract of 160 acres, shall be paid into the county treasury of the county within which said lands are situated upon vouchers issued by the Commissioner of School and Public Lands by warrants drawn by the State

Auditor on the funds herein appropriated for the eradication of injurious rodents; provided that when any county shall have heretofore eradicated injurious rodents on state school and public lands within such county, the expense of such eradication, not exceeding fifteen dollars (\$15.00) per tract of 160 acres, shall be paid on vouchers issued by the Commissioner of School and Public Lands by warrants drawn by the State Auditor upon funds appropriated herein for the eradication of injurious rodents when proof of such eradication work to the satisfaction of the Commissioner of School and Public Lands shall have been filed with the said Commissioner.

Section 8. Chapter 303 of the Session Laws of South Dakota of 1919 is hereby repealed.

Section 9. Whereas it is necessary for the protection of the public that injurious rodent eradication work be commenced at the earliest possible time, an emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1921.

Sales

CHAPTER 355.

(H. B. 88)

ENACTING THE UNIFORM SALES ACT.

AN ACT Entitled, An Act to Make Uniform the Law of Sales of Goods.

Be It Enacted by the Legislature of the State of South Dakota:

Part 1.

FORMATION OF THE CONTRACT.

Section 1. Contracts to Sell and Sales.]

(1.) A contract to sell goods is a contract whereby the seller agrees to transfer the property in goods to the buyer for a consideration called the price.

(2.) A sale of goods is an agreement whereby the seller transfers the property in goods to the buyer for a consideration called the price.

(3.) A contract to sell or a sale may be absolute or conditional.

(4.) There may be a contract to sell or a sale between one part owner and another.

Section 2. Capacity—Liabilities for Necessaries.] Capacity to buy and sell is regulated by the general law concerning capacity to contract, and to transfer and acquire property.

Where necessities are sold and delivered to an infant, or to a person who by reason of mental incapacity or drunkenness is incompetent to contract, he must pay a reasonable price therefor.

Necessaries in this section mean goods suitable to the condition in life of such infant or other person, and to his actual requirements at the time of delivery.

Section 3. Form of Contract or Sale.] Subject to the provisions of this act and of any statute in that behalf, a contract to sell or a sale may be made in writing (either with or without sale), or by word of mouth, or partly in writing and partly by word of mouth, or may be inferred from the conduct of the parties.

Section 4. Statute of Frauds.] (1) A contract to sell or a sale of any goods or choses in action of the value of five hundred dollars or upwards shall not be enforceable by action unless the buyer shall accept part of the goods or choses in action so contracted to be sold or sold, and actually receives the same, or give something in earnest to bind the contract, or in part payment, or unless some note or memorandum in writing of the contract or sale be signed by the party to be charged or his agent in that behalf.

(2) The provisions of this section apply to every such contract or sale, notwithstanding that the goods may be intended to be delivered at some future time or may not at the time of such contract or sale be actually made, procured, or provided, or fit or ready for delivery, or some act may be requisite for the making or completing thereof, or rendering the same fit for delivery; but if the goods are to be manufactured by the seller especially for the buyer and are not suitable for sale to others in the ordinary course of the seller's business, the provisions of this section shall not apply.

(3) There is an acceptance of goods within the meaning of this section when the buyer, either before or after delivery of the goods, expresses by words or conduct his assent to becoming the owner of those specific goods.

SUBJECT MATTER OF CONTRACT.

Section 5. Existing and Future Goods.] (1) The goods which form the subject of a contract to sell may be either existing goods owned or possessed by the seller, or goods to be manufactured or acquired by the seller after the making of the contract to sell, in this act called "future goods."

(2) There may be a contract to sell goods, the acquisition of which by the seller depends upon a contingency which may or may not happen.

(3) Where the parties purport to effect a present sale of future goods, the agreement operates as a contract to sell the goods.

Section 6. Undivided Shares.] (1.) There may be a contract to sell or a sale of an undivided share of goods. If the parties intend to effect a present sale, the buyer, by force of the agreement, becomes an owner in common with the owner or owners of the remaining shares.

(2.) In the case of fungible goods, there may be a sale of an undivided share of a specific mass, though the seller purports to sell and the buyer to buy a definite number, weight or measure of the goods in the mass, and though the number, weight or measure of the goods in the mass is undetermined. By such a sale the buyer becomes owner in common of such a share of the mass as the number, weight or measure bought bears to the number, weight or measure of the mass. If the mass contains less than the number, weight or measure bought, the buyer becomes the owner of the whole mass and the seller is bound to make good the deficiency from similar goods, unless a contrary intent appears.

Section 7. Destruction of Goods Sold.] (1.) Where the parties purport to sell specific goods, and the goods without the knowledge of the seller have wholly perished at the time when the agreement is made, the agreement is void.

(2.) Where the parties purport to sell specific goods, and the goods without the knowledge of the seller have perished in part or have wholly or in a material part so deteriorated in quality as to be substantially changed in character, the buyer may at his option treat the sale—

(a.) As avoided, or

(b.) As transferring the property in all of the existing goods or in so much thereof as have not deteriorated, and as binding the buyer to pay the full agreed price if the sale was indivisible, or to pay the agreed price for the goods in which the property passes if the sale was divisible.

Section 8. Destruction of Goods Contracted to Be Sold.] (1.) Where there is a contract to sell specific goods, and subsequently, but before the risk passes to the buyer, without any fault on the part of the seller or the buyer, the goods wholly perish, the contract is thereby avoided.

(2.) Where there is a contract to sell specific goods, and subsequently, but before the risk passes to the buyer, without any fault of the seller or the buyer, part of the goods perish or the whole or a material part of the goods so deteriorate in quality as to be subsequently changed in character, the buyer may at his option treat the contract—

(a.) As avoided, or

(b.) As binding the seller to transfer the property in all of the existing goods or in so much thereof as have not deteriorated, and as binding the buyer to pay the full agreed price if the contract was indivisible, or to pay the agreed price for so much of the goods as the seller, by the buyer's option is bound to transfer if the contract was divisible.

THE PRICE.

Section 9. Definition and Ascertainment of Price.] (1.) The price may be fixed by the contract, or may be left to be fixed in such manner as may be agreed, or it may be determined by the course of dealing between the parties.

(2.) The price may be made payable in any personal property.

(3.) Where transferring or promising to transfer any interest in real-estate constitutes the whole or part of the consideration for transferring or for promising to transfer the property in goods, this act shall not apply.

(4.) Where the price is not determined in accordance with the foregoing provisions, the buyer must pay a reasonable price. What is a reasonable price is a question of fact dependent on the circumstances of each particular case.

Section 10. Sale At A Valuation.]

(1.) Where there is a contract to sell or a sale of goods at a price or on terms to be fixed by a third person, and such third person, without fault of the seller or the buyer, cannot or does not fix the price or terms, the contract or the sale is thereby avoided; but if the goods or any part thereof have been delivered to and appropriated by the buyer he must pay a reasonable price therefor.

(2.) Where such third person is prevented from fixing the price or terms by fault of the seller or the buyer, the party not in fault may have such remedies against the party in fault as are allowed by parts IV and V of this act.

COMMISSIONS AND WARRANTIES.

Section 11. Effect of Conditions.]

(1.) Where the obligation of either party to a contract to sell or a sale is subject to any condition which is not performed, such party may refuse to proceed with the contract or sale or he may waive performance of the condition. If the other party has promised that the condition should happen or be performed, such first mentioned party may also treat the non-performance of the condition as a breach of warranty.

(2.) Where the property in the goods has not passed, the buyer may treat the fulfillment by the seller of his obligation to furnish goods as described and as warranted expressly or by implication in the contract to sell as a condition of the obligation of the buyer to perform his promise to accept and pay for the goods.

Section 12. Definition of Express Warranty.] Any affirmation of fact or any promise by the seller, relating to the goods is an express warranty if the natural tendency of such affirmation or promise is to induce the buyer to purchase the goods, and if the buyer purchases the goods, relying thereon. No affirmation of the value of the goods, nor any statement purporting to be a statement of the seller's opinion only shall be construed as a warranty.

Section 13. Implied Warranties of Title.] In a contract to sell or a sale, unless a contrary intention appears, there is

(1) An implied warranty on the part of the seller that in case of a sale he has a right to sell the goods, and that in case of a contract to sell he will have a right to sell the goods at the time when the property is to pass;

(2) An implied warranty that the buyer shall have and enjoy quiet possession of the goods as against any lawful claims existing at the time of the sale;

(3) An implied warranty that the goods shall be free at the time of the sale from any charge or encumbrance in favor of any third person, not declared or known to the buyer before or at the time when the contract or sale is made.

(4) This section shall not, however, be held to render liable a sheriff, auctioneer, mortgagee, or other person professing to sell by virtue of authority in fact or law goods in which a third person has a legal or equitable interest.

Section 14. Implied Warranty in Sale by Description.] Where there is a contract to sell or a sale of goods by description, there is an implied warranty that the goods shall correspond with the description and if the contract or sale be by sample, as well as by description, it is not sufficient that the bulk of the goods corresponds with the sample if the goods do not also correspond with the description.

Section 15. Implied Warranties of Quality.] Subject to the provisions of this act and of any statute in that behalf, there is no implied warranty or condition as to the quality or fitness for any particular purpose of goods supplied under a contract to sell or a sale, except as follows:

(1) Where the buyer, expressly or by implication, makes known to the seller the particular purpose for which the goods are required, and it appears that the buyer relies on the seller's skill or judgment (whether he be the grower or manufacturer or not), there is an implied warranty that the goods shall be reasonably fit for such purpose.

(2) Where the goods are bought by description from a seller who

deals in goods of that description (whether he be the grower or manufacturer or not), there is an implied warranty that the goods shall be of merchantable quality.

(3) If the buyer has examined the goods, there is no implied warranty as regards defects which such examination ought to have revealed.

(4) In case of a contract to sell or a sale of a specified article under its patent or other trade name, there is no implied warranty as to its fitness for any particular purpose.

(5) An implied warranty or condition as to quality or fitness for a particular purpose may be annexed by the usage of trade.

(6) An express warranty or condition does not negative a warranty or condition implied under this act unless inconsistent therewith.

SALE BY SAMPLE.

Section 16. Implied Warranties in Sale by Sample.] In the case of a contract to sell or a sale by sample:

(a) There is an implied warranty that the bulk shall correspond with the sample in quality.

(b) There is an implied warranty that the buyer shall have a reasonable opportunity of comparing the bulk with the sample, except so far as otherwise provided in section 47 (3.)

(c) If the seller is a dealer in goods of that kind, there is an implied warranty that the goods shall be free from any defect rendering them unmerchantable which would not be apparent on reasonable examination of the sample.

PART II.

TRANSFER OF PROPERTY AS BETWEEN SELLER AND BUYER.

Section 17. No Property Passes Until Goods Are Ascertained.] Where there is a contract to sell unascertained goods no property in the goods is transferred to the buyer unless and until the goods are ascertained, but property in an undivided share of ascertained goods may be transferred as provided in section 6.

Section 18. Property in Specific Goods Passes When Parties so Intend.] (1) Where there is a contract to sell specific or ascertained goods, the property in them is transferred to the buyer at such time as the parties to the contract intend it to be transferred.

(2) For the purpose of ascertaining the intention of the parties, regard shall be had to the terms of the contract, the conduct of the parties, usages of trade and the circumstances of the case.

Section 19. Rules for Ascertaining Intention.] Unless a different intention appears, the following are rules for ascertaining the intention of the parties as to the time at which the property in the goods is to pass to the buyer.

Rule 1. Where there is an unconditional contract to sell specific goods, in a deliverable state, the property in the goods passes to the buyer when the contract is made and it is immaterial whether the time of payment, or the time of delivery, or both, be postponed.

Rule 2. Where there is a contract to sell specific goods and the seller is bound to do something to the goods, for the purpose of putting them into a deliverable state, the property does not pass until such thing is done.

Rule 3. (1) When goods are delivered to the buyer "on sale or return," or on other terms indicating an intention to make a present sale, but to give the buyer an option to return the goods instead of pay-

ing the price, the property passes to the buyer on delivery, but he may revert the property in the seller by returning or tendering the goods within the time fixed in the contract, or, if no time has been fixed, within a reasonable time.

(2.) When goods are delivered to the buyer on approval or on trial or on satisfaction, or other similar terms, the property therein passes to the buyer—

(a.) When he signifies his approval or acceptance to the seller or does any other act adopting the transaction;

(b.) If he does not signify his approval or acceptance to the seller, but retains the goods without giving notice of rejection, then if a time has been fixed for the return of the goods, on the expiration of such time, and, if no time has been fixed, on the expiration of a reasonable time. What is a reasonable time is a question of fact.

Rule 4. (1.) Where there is a contract to sell unascertained or future goods by description, and goods of that description and in a deliverable state are unconditionally appropriated to the contract, either by the seller with the assent of the buyer, or by the buyer with the assent of the seller, the property in the goods thereupon passes to the buyer. Such assent may be expressed or implied, and may be given either before or after the appropriation is made.

(2.) Where, in pursuance of a contract to sell, the seller delivers the goods to the buyer, or to a carrier or other bailee (whether named by the buyer or not) for the purpose of transmission to or holding for the buyer, he is presumed to have unconditionally appropriated the goods to the contract, except in the cases provided for in the next rule and in section 20. This presumption is applicable, although by the terms of the contract, the buyer is to pay the price before receiving delivery of the goods, and the goods are marked with the words "collect on delivery" or their equivalents.

Rule 5. If the contract to sell requires the seller to deliver the goods to the buyer, or at a particular place, or to pay the freight or cost of transportation to the buyer, or to a particular place, the property does not pass until the goods have been delivered to the buyer or reached the place agreed upon.

Section 20. Reservation of Right of Possession or Property When Goods Are Shipped.] (1.) Where there is a contract to sell specific goods, or where goods are subsequently appropriated to the contract, the seller may, by the terms of the contract or appropriation, reserve the right of possession or property in the goods until certain conditions have been fulfilled. The right of possession or property may be thus reserved notwithstanding the delivery of the goods to the buyer or to a carrier or other bailee for the purpose of transmission to the buyer.

(2.) Where goods are shipped, and by the bill of lading the goods are deliverable to the seller or his agent, or to the order of the seller or of his agent, the seller thereby reserves the property in the goods. But if, except for the form of the bill of lading, the property would have passed to the buyer on shipment of the goods, the seller's property in the goods shall be deemed to be only for the purpose of securing performance by the buyer of his obligations under the contract.

(3.) Where goods are shipped, and by the bill of lading the goods are deliverable to the order of the buyer or of his agent, but possession of the bill of lading is retained by the seller or his agent, the seller thereby reserves a right to the possession of the goods as against the buyer.

(4.) Where the seller of goods draws on the buyer for the price and transmits the bill of exchange and bill of lading together to the buyer to secure acceptance or payment of the bill of exchange, the buyer is bound to return the bill of lading if he does not honor the bill of exchange, and if he wrongfully retains the bill of lading he acquires no added right thereby. If, however, the bill of lading provides that the goods are deliverable to the buyer or to the order of the buyer, or is indorsed in blank, or to the buyer by the consignee named therein, one who purchases in good faith, for value, the bill of lading, or goods from the buyer will obtain the property in the goods, although the bill of exchange has not been honored, provided that such purchaser has received delivery of the bill of lading indorsed by the consignee named therein, or of the goods, without notice of the facts making the transfer wrongful.

Section 21. Sale by Auction.] In the case of sale by auction—

(1.) Where goods are put up for sale by auction in lots, each lot is the subject of a separate contract of sale.

(2.) A sale by auction is complete when the auctioneer announces its completion by the fall of the hammer, or in other customary manner. Until such announcement is made, any bidder may retract his bid; and the auctioneer may withdraw the goods from sale unless the auction has been announced to be without reserve.

(3.) A right to bid may be reserved expressly by or on behalf of the seller.

(4.) Where notice has not been given that a sale by auction is subject to a right to bid on behalf of the seller, it shall not be lawful for the seller to bid himself or to employ or induce any person to bid at such sale on his behalf, or for the auctioneer to employ or induce any person to bid at such sale on behalf of the seller or knowingly to take any bid from the seller or any person employed by him. Any sale contravening this rule may be treated as fraudulent by the buyer.

Section 22. Risk of Loss.] Unless otherwise agreed, the goods remain at the seller's risk until the property therein is transferred to the buyer, but when the property therein is transferred to the buyer the goods are at the buyer's risk whether delivery has been made or not, except that—

(a.) Where delivery of the goods has been made to the buyer, or to a bailee for the buyer, in pursuance of the contract and the property in the goods has been retained by the seller merely to secure performance by the buyer of his obligations under the contract, the goods are at the buyer's risk from the time of such delivery.

(b.) Where delivery has been delayed through the fault of either buyer or seller the goods are at the risk of the party in fault as regards any loss which might have not occurred but for such fault.

TRANSFER OF TITLE.

Section 23. Sale by a Person Not the Owner.] (1.) Subject to the provisions of this act, where goods are sold by a person who is not the owner thereof, and who does not sell them under the authority or with the consent of the owner, the buyer acquires no better title to the goods than the seller had, unless the owner of the goods is by his conduct precluded from denying the seller's authority to sell.

(2.) Nothing in this act, however, shall affect—

(a.) The provisions of any factors' acts, recording acts, or any enactment enabling the apparent owner of goods to dispose of them as if he were the true owner thereof.

(b.) The validity of any contract to sell or sale under any special common law or statutory power of sale or under the order of a court of competent jurisdiction.

Section 24. Sale by One Having a Voidable Title.] Where the seller of goods has a voidable title thereto, but his title has not been avoided at the time of the sale, the buyer acquires a good title to the goods, provided he buys them in good faith, for value, and without notice of the seller's defect of title.

Section 25. Sale by Seller in Possession of Goods Already Sold.] Where a person having sold goods continues in possession of the goods, or of negotiable documents of title to the goods, the delivery or transfer by that person, or by an agent acting for him, of the goods or documents of title under any sale, pledge, or other disposition thereof, to any person receiving and paying value for the same in good faith and without notice of the previous sale, shall have the same effect as if the person making the delivery or transfer were expressly authorized by the owner of the goods to make the same.

Section 26. Creditors' Rights Against Sold Goods in Seller's Possession.] Where a person having sold goods continues in possession of the goods, or of negotiable documents of title to the goods and such retention of possession is fraudulent in fact or is deemed fraudulent under any rule or law, a creditor or creditors of the seller may treat the sale as void.

Section 27. Definition of Negotiable Documents of Title.] A document of title in which it is stated that the goods referred to therein will be delivered to the bearer, or to the order of any person named in such document is a negotiable document of title.

Section 28. Negotiation of Negotiable Documents by Delivery.] A negotiable document of title may be negotiated by delivery,—

(a.) Where by the terms of the document the carrier, warehouseman or other bailee issuing the same undertakes to deliver the goods to the bearer, or

(b.) Where by the terms of the document the carrier, warehouseman or other bailee issuing the same undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the document has indorsed it in blank or to bearer.

Where by the terms of a negotiable document of title the goods are deliverable to bearer or where a negotiable document of title has been indorsed in blank or to bearer, any holder may indorse the same to himself or to any other specified person, and in such case the document shall thereafter be negotiated only by the indorsement of such indorsee.

Section 29. Negotiation of Negotiable Documents by Indorsement.] A negotiable document of title may be negotiated by the indorsement of the person to whose order the goods are by the terms of the document deliverable. Such indorsement may be in blank, to bearer or to a specified person. If indorsed to a specified person, it may be again negotiated by the indorsement of such person in blank, to bearer or to another specified person. Subsequent negotiation may be made in like manner.

Section 30. Negotiable Documents of Title Marked "Not Negotiable."] If a document of title which contains an undertaking by a carrier, warehouseman or other bailee to deliver the goods to the bearer, to a specified person or order, or to the order of a specified person, or which contains words of like import, has placed upon it the words "not negotiable," "non-negotiable" or the like, such a document may nevertheless be negotiated by the holder and is a negotiable docu-

ment of title within the meaning of this act. But nothing in this act contained shall be construed as limiting or defining the effect upon the obligations of the carrier, warehouseman, or other bailee issuing a document of title of placing thereon the words "not negotiable" "non-negotiable," or the like.

Section 31. Transfer of Non-Negotiable Documents.] A document of title which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee. A non-negotiable document cannot be negotiated and the indorsement of such document gives the transferee no additional right.

Section 32. Who May Negotiate A Document.] A negotiable document of title may be negotiated—

(a.) By the owner thereof, or

(b.) By any person to whom the possession or custody of the document has been entrusted by the owner, if, by the terms of the document the bailee issuing the document undertakes to deliver the goods to the order of the person to whom the possession or custody of the document has been entrusted, or if at the time of such entrusting the document is in such form that it may be negotiated by delivery.

Section 33. Rights of Person To Whom Document Has Been Negotiated.] A person to whom a negotiable document of title has been duly negotiated acquires thereby,

(a.) Such title to the goods as the person negotiating the document to him had or had ability to convey to a purchaser in good faith for value and also such title to the goods as the person to whose order the goods were to be delivered by the terms of the document had or had ability to convey to a purchaser in good faith for value, and

(b.) The direct obligation of the bailee issuing the document to hold possession of the goods for him according to the terms of the document as fully as if such bailee had contracted directly with him.

Section 34. Rights of Person To Whom Document Has Been Transferred.] A person to whom a document of title has been transferred, but not negotiated, acquires thereby, as against the transferor, the title to the goods, subject to the terms of any agreement with the transferor.

If the document is non-negotiable, such person also acquires the right to notify the bailee who issued the document of the transfer thereof, and thereby to acquire the direct obligation of such bailee to hold possession of the goods for him according to the terms of the document.

Prior to the notification of such bailee by the transferor or transferee of a non-negotiable document of title, the title of the transferee to the goods and the right to acquire the obligation of such bailee may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferor, or by a notification to such bailee by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

Section 35. Transfer of Negotiable Documents Without Indorsement.] Where a negotiable document of title is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to indorse the document unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made.

Section 36. Warranties on Sale of Document.] A person who for

value negotiates or transfers a document of title by indorsement or delivery, including one who assigns for value a claim secured by a document of title unless a contrary intention appears, warrants:

- (a.) That the document is genuine;
- (b.) That he has a legal right to negotiate or transfer it;
- (c.) That he has knowledge of no fact which would impair the validity or worth of the document, and
- (d.) That he has a right to transfer the title to the goods and that the goods are merchantable or fit for a particular purpose, whenever such warranties would have been implied if the contract of the parties had been to transfer without a document of title the goods represented thereby.

Section 37. Indorser Not a Guarantor.] The indorsement of a document of title shall not make the indorser liable for any failure on the part of the bailee who issued the document or previous indorsers thereof to fulfill their respective obligations.

Section 38. When Negotiation Not Impaired by Fraud, Mistake or Duress.] The validity of the negotiation of a negotiable document of title is not impaired by the fact that the negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the document was induced by fraud, mistake or duress to entrust the possession or custody thereof to such person, if the person to whom the document was negotiated or a person to whom the document was subsequently negotiated paid value therefor, without notice of the breach of duty, or fraud, mistake or duress.

Section 39. Attachment or Levy Upon Goods for Which a Negotiable Document Has Been Issued.] If goods are delivered to a bailee by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner and a negotiable document of title is issued for them they cannot thereafter, while in the possession of such bailee, be attached by garnishment or otherwise or be levied upon under an execution unless the document be first surrendered to the bailee or its negotiation enjoined. The bailee shall in no case be compelled to deliver up the actual possession of the goods until the document is surrendered to him or impounded by the court.

Section 40. Creditors' Remedies to Reach Negotiable Documents.] A creditor whose debtor is the owner of a negotiable document of title shall be entitled to such aid from courts of appropriate jurisdiction by injunction and otherwise in attaching such document or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which cannot readily be attached or levied upon by ordinary legal process.

PART III.

PERFORMANCE OF THE CONTRACT.

Section 41. Seller Must Deliver and Buyer Accept Goods.] It is the duty of the seller to deliver the goods, and of the buyer to accept and pay for them, in accordance with the terms of the contract to sell or sale.

Section 42. Delivery and Payment Are Con-Current Conditions.] Unless otherwise agreed, delivery of the goods and payment of the price are concurrent conditions; that is to say, the seller must be ready and willing to give possession of the goods to the buyer in exchange for the price and the buyer must be ready and willing to pay the price in exchange for possession of the goods.

Section 43. Place, Time and Manner of Delivery.] (1.) Whether it is for the buyer to take possession of the goods or for the seller to send them to the buyer is a question depending in each case on the contract, express or implied, between the parties. Apart from any such contract, express or implied, or usage of trade to the contrary, the place of delivery is a seller's place of business if he have one, and if not his residence; but in case of a contract to sell or a sale of specific goods, which to the knowledge of the parties when the contract or the sale was made were in some other place, then that place is the place of delivery.

(2.) Where by a contract to sell or a sale the seller is bound to send the goods to the buyer, but no time for sending them is fixed, the seller is bound to send them within a reasonable time.

(3.) Where the goods at the time of sale are in the possession of a third person, the seller has not fulfilled his obligation to deliver to the buyer unless and until such third person acknowledges to the buyer that he holds the goods on the buyer's behalf; but as against all others than the seller the buyer shall be regarded as having received delivery from the time when such third person first has notice of the sale. Nothing in this section, however, shall affect the operation of the issue or transfer of any document of title to goods.

(4.) Demand or tender of delivery may be treated as ineffectual unless made at a reasonable hour. What is a reasonable hour is a question of fact.

(5.) Unless otherwise agreed, the expenses of and incidental to putting the goods into a deliverable state must be borne by the seller.

Section 44. Delivery of Wrong Quantity.] (1.) Where the seller delivers to the buyer a quantity of goods less than he contracted to sell, the buyer may reject them, but if the buyer accepts or retains the goods so delivered, knowing that the seller is not going to perform the contract in full, he must pay for them at the contract rate. If, however, the buyer has used or disposed of the goods delivered before he knows that the seller is not going to perform his contract in full the buyer shall not be liable for more than the fair value to him of the goods so received.

(2.) Where the seller delivers to the buyer a quantity of goods larger than he contracted to sell, the buyer may accept the goods included in the contract and reject the rest, or he may reject the whole. If the buyer accepts the whole of the goods so delivered he must pay for them at the contract rate.

(3.) Where the seller delivers to the buyer the goods he contracted to sell mixed with goods of a different description not included in the contract, the buyer may accept the goods which are in accordance with the contract and reject the rest, or he may reject the whole.

(4.) The provisions of this section are subject to any usages of trade, special agreement, or course of dealing between the parties.

Section 45. Delivery in Installments.] (1.) Unless otherwise agreed, the buyer of goods is not bound to accept delivery thereof by installments.

(2.) Where there is a contract to sell goods to be delivered by stated instalments, which are to be separately paid for, and the seller makes defective deliveries in respect of one or more instalments, or the buyer neglects or refuses to take delivery of or pay for one or more instalments, it depends in each case on the terms of the contract and the circumstances of the case whether the breach of contract is so

material as to justify the injured party in refusing to proceed further and suing for damage for breach of the entire contract, or whether the breach is severable, giving rise to a claim for compensation, but not a right to treat the whole contract as broken.

Section 46. Delivery to a Carrier on Behalf of the Buyer.] (1.) Where, in pursuance of a contract to sell or a sale, the seller is authorized or required to send the goods to the buyer, delivery of the goods to a carrier, whether named by the buyer or not, for the purpose of transmission to the buyer is deemed to be a delivery of the goods to the buyer, except in the cases provided for in section 19, Rule 5, or unless a contrary intent appears.

(2.) Unless otherwise authorized by the buyer, the seller must make such contract with the carrier on behalf of the buyer as may be reasonable, having regard to the nature of the goods and the other circumstances of the case. If the seller omit so to do, and the goods are lost or damaged in course of transit, the buyer may decline to treat the delivery to the carrier as a delivery to himself, or may hold the seller responsible in damages.

(3.) Unless otherwise agreed, where goods are sent by the seller to the buyer under circumstances in which the seller knows or ought to know that it is usual to insure, the seller must give such notice to the buyer as may enable him to insure them during their transit, and, if the seller fails to do so, the goods shall be deemed to be at his risk during such transit.

Section 47. Right to Examine the Goods.] (1.) Where goods are delivered to the buyer, which he has not previously examined, he is not deemed to have accepted them unless and until he has had a reasonable opportunity of examining them for the purpose of ascertaining whether they are in conformity with the contract.

(2.) Unless otherwise agreed, when the seller tenders delivery of goods to the buyer, he is bound, on request, to afford the buyer a reasonable opportunity of examining the goods for the purpose of ascertaining whether they are in conformity with the contract.

(3.) Where goods are delivered to a carrier by the seller, in accordance with an order from or agreement with the buyer, upon the terms that the goods shall not be delivered by the carrier to the buyer until he has paid the price, whether such terms are indicated by marking the goods with the words "collect on delivery," or otherwise, the buyer is not entitled to examine the goods before payment of the price in the absence of agreement permitting such examination.

Section 48. What Constitutes Acceptance.] The buyer is deemed to have accepted the goods when he intimates to the seller that he has accepted them, or when the goods have been delivered to him, and he does any act in relation to them which is inconsistent with the ownership of the seller, or when, after the lapse of a reasonable time, he retains the goods without intimating to the seller that he has rejected them.

Section 49. Acceptance Does Not Bar Action For Damages.] In the absence of express or implied agreement of the parties, acceptance of the goods by the buyer shall not discharge the seller from liability in damages or other legal remedy for breach of any promise or warranty in the contract to sell or the sale. But, if, after acceptance of the goods, the buyer fail to give notice to the seller of the breach of any promise or warranty within a reasonable time after the buyer knows, or ought to know of such breach, the seller shall not be liable therefor.

Section 50. Buyer Is Not Bound to Return Goods Wrongly Delivered.] Unless otherwise agreed, where goods are delivered to the buyer, and he refuses to accept them, having the right so to do, he is not bound to return them to the seller, but it is sufficient if he notifies the seller that he refuses to accept them.

Section 51. Buyer's Liability for Failing to Accept Delivery.] When the seller is ready and willing to deliver the goods, and requests the buyer to take delivery, and the buyer does not within a reasonable time after such request take delivery of the goods he is liable to the seller for any loss occasioned by his neglect or refusal to take delivery, and also for a reasonable charge for the care and custody of the goods. If the neglect or refusal of the buyer to take delivery amounts to a repudiation or breach of the entire contract, the seller shall have the rights against the goods and on the contract hereinafter provided in favor of the seller when the buyer is in default.

PART IV.

RIGHTS OF UNPAID SELLER AGAINST THE GOODS.

Section 52. Definition of Unpaid Seller.] (1.) The seller of goods is deemed to be an unpaid seller within the meaning of this act—

(a.) When the whole of the price has not been paid or tendered.

(b.) When a bill of exchange or other negotiable instrument has been received as conditional payment, and the condition on which it was received has been broken by reason of the dishonor of the instrument, the insolvency of the buyer, or otherwise.

(2.) In this part of this act the term "seller" includes an agent of the seller to whom the bill of lading has been indorsed, or a consignor or agent who has himself paid, or is directly responsible for, the price, or any other person who is in the position of a seller.

Section 53. Remedies of an Unpaid Seller.] (1.) Subject to the provisions of this act, notwithstanding that the property in the goods may have passed to the buyer, the unpaid seller of goods, as such, has—

(a.) A lien on the goods or right to retain them for the price while he is in possession of them;

(b.) In case of the insolvency of the buyer, a right of stopping the goods in transit after he has parted with the possession of them;

(c.) A right of resale as limited by this act;

(d.) A right to rescind the sale as limited by this act.

(2.) Where the property in goods has not passed to the buyer, the unpaid seller has, in addition to his other remedies, a right of withholding delivery similar to and coextensive with his rights of lien and stoppage in transit where the property has passed to the buyer.

UNPAID SELLER'S LIEN.

Section 54. When Right of Lien May Be Exercised.] (1.) Subject to the provisions of this act, the unpaid seller of goods who is in possession of them is entitled to retain possession of them until payment or tender of the price in the following cases, namely;

(a.) Where the goods have been sold without any stipulation as to credit;

(b.) Where the goods have been sold on credit, but the term of credit has expired;

(c.) Where the buyer becomes insolvent.

(2.) The seller may exercise his right of lien notwithstanding that he is in possession of the goods as agent or bailee for the buyer.

Section 55. Lien After Part Delivery.] Where an unpaid seller has made part delivery of the goods, he may exercise his right of lien on the remainder, unless such part delivery has been made under such circumstances as to show an intent to waive the lien or right of retention.

Section 56. When Lien Is Lost.] (1.) The unpaid seller of goods loses his lien thereon—

(a.) When he delivers the goods to a carrier or other bailee for the purpose of transmission to the buyer without reserving the property in the goods or the right to the possession thereof;

(b.) When the buyer or his agent lawfully obtains possession of the goods;

(c.) By waiver thereof.

(2.) The unpaid seller of goods, having a lien thereon, does not lose his lien by reason only that he has obtained judgment or decree for the price of the goods.

STOPPAGE IN TRANSITU.

Section 57. Seller May Stop Goods on Buyer's Insolvency.] Subject to the provisions of this act, when the buyer of goods is or becomes insolvent, the unpaid seller who has parted with the possession of the goods has the right of stopping them in transitu, that is to say, he may resume possession of the goods at any time while they are in transit, and he will then become entitled to the same rights in regard to the goods as he would have had if he had never parted with the possession.

Section 58. When Goods Are in Transit.] (1.) Goods are in transit within the meaning of section 57—

(a.) From the time when they are delivered to a carrier by land or water, or other bailee for the purpose of transmission to the buyer, until the buyer, or his agent in that behalf, takes delivery of them from such carrier or other bailee;

(b.) If the goods are rejected by the buyer, and the carrier or other bailee continues in possession of them, even if the seller has refused to receive them back.

(2.) Goods are no longer in transit within the meaning of section 57.

(a.) If the buyer, or his agent in that behalf, obtains delivery of the goods before their arrival at the appointed destination;

(b.) If, after the arrival of the goods at the appointed destination, the carrier or other bailee acknowledges to the buyer or his agent that he holds the goods on his behalf and continues in possession of them as bailee for the buyer or his agent; and it is immaterial that a further destination for the goods may have been indicated by the buyer;

(c.) If the carrier or other bailee wrongfully refuses to deliver the goods to the buyer or his agent in that behalf.

(3.) If goods are delivered to a ship chartered by the buyer, it is a question depending on the circumstances of the particular case, whether they are in the possession of the master as a carrier or as agent of the buyer.

(4.) If part delivery of the goods has been made to the buyer, or his agent in that behalf, the remainder of the goods may be stopped in transitu, unless such part delivery has been made under such circumstances as to show an agreement with the buyer to give up possession of the whole of the goods.

Section 59. Ways of Exercising the Right to Stop.] (1.) The unpaid seller may exercise his right of stoppage in transitu either by

obtaining actual possession of the goods or by giving notice of his claim to the carrier or other bailee in whose possession the goods are. Such notice may be given either to the person in actual possession of the goods or to his principal. In the latter case the notice, to be effectual, must be given at such time and under such circumstances that the principal, by the exercise of reasonable diligence, may prevent a delivery to the buyer.

(2.) When notice of stoppage in transitu is given by the seller to the carrier, or other bailee in possession of the goods, he must redeliver the goods to, or according to the directions of, the seller. The expenses of such delivery must be borne by the seller. If, however, a negotiable document of title representing the goods has been issued by the carrier or other bailee, he shall not be obliged to deliver or justified in delivering the goods to the seller unless such document is first surrendered for cancellation.

RESALE BY THE SELLER.

Section 60. When and How Resale May Be Made.] (1.) Where the goods are of a perishable nature, or where the seller expressly reserves the right of resale in case the buyer should make default, or where the buyer has been in default in the payment of the price an unreasonable time, an unpaid seller having the right of lien or having stopped the goods in transitu may resell the goods. He shall not thereafter be liable to the original buyer upon the contract to sell or the sale or for any profit made by such resale, but may recover from the buyer damages for any loss occasioned by the breach of the contract or the sale.

(2.) Where a resale is made, as authorized in this section, the buyer acquires a good title as against the original buyer.

(3.) It is not essential to the validity of a resale that notice of an intention to resell the goods be given by the seller to the original buyer. But where the right to resell is not based on the perishable nature of the goods or upon an express provision of the contract or the sale, the giving or failure to give such notice shall be relevant in any issue involving the question whether the buyer had been in default an unreasonable time before the resale was made.

(4.) It is not essential to the validity of a resale that notice of the time and place of such resale should be given by the seller to the original buyer.

(5.) The seller is bound to exercise reasonable care and judgment in making resale, and subject to this requirement may make a resale either by public or private sale.

RESCISSION BY THE SELLER.

Section 61. When and How the Seller May Rescind the Sale.] (1.) An unpaid seller having a right of lien or having stopped the goods in transitu, may rescind the transfer of title and resume the property in the goods, where he expressly reserved the right to do so in case the buyer should make default, or where the buyer has been in default in the payment of the price an unreasonable time. The seller shall not thereafter be liable to the buyer upon the contract to sell or the sale, but may recover from the buyer damages for any loss occasioned by the breach of the contract or the sale.

(2.) The transfer of title shall not be held to have been rescinded by an unpaid seller until he has manifested by notice to the buyer or by some other overt act an intention to rescind. It is not necessary that

such overt act should be communicated to the buyer, but the giving or failure to give notice to the buyer of the intention to rescind shall be relevant in any issue involving the question whether the buyer had been in default an unreasonable time, before the right of rescission was asserted.

Section 62. Effect of Sale of Goods Subject to Lien or Stoppage in Transitu.] Subject to the provisions of this act, the unpaid seller's right of lien or stoppage in transitu is not affected by any sale, or other disposition of the goods which the buyer may have made, unless the seller has assented thereto.

If, however, a negotiable document of title has been issued for goods, no seller's lien or right of stoppage in transitu shall defeat the right of any purchaser for value in good faith to whom such document has been negotiated, whether such negotiation be prior or subsequent to the notification to the carrier, or other bailee who issued such document, of the seller's claim to a lien or right of stoppage in transitu.

Part V.

ACTIONS FOR BREACH OF THE CONTRACT. REMEDIES OF THE SELLER.

Section 63. Action for the Price.] (1.) Where, under a contract to sell or a sale, the property in the goods has passed to the buyer, and the buyer wrongfully neglects or refuses to pay for the goods according to the terms of the contract or the sale, the seller, may maintain an action against him for the price of the goods.

(2.) Where, under a contract to sell or a sale, the price is payable on a day certain, irrespective of delivery or of transfer of title, and the buyer wrongfully neglects or refuses to pay such price, the seller may maintain an action for the price, although the property in the goods has not passed, and the goods have not been appropriated to the contract. But it shall be a defense to such an action that the seller at any time before judgment in such action has manifested an inability to perform the contract or the sale on his part or an intention not to perform it.

(3.) Although the property in the goods has not passed, if they cannot readily be resold for a reasonable price, and if the provisions of section 64 (4) are not applicable, the seller may offer to deliver the goods to the buyer, and, if the buyer refuses to receive them, may notify the buyer that the goods are thereafter held by the seller as bailee for the buyer. Thereafter the seller may treat the goods as the buyer's and may maintain an action for the price.

Section 64. Action for Damages for Non-Acceptance of the Goods.] (1.) Where the buyer wrongfully neglects or refuses to accept and pay for the goods, the seller may maintain an action against him for damages for non-acceptance.

(2.) The measure of damages is the estimated loss directly and naturally resulting, in the ordinary course of events, from the buyer's breach of contract.

(3.) Where there is an available market for the goods in question, the measure of damages is, in the absence of special circumstances, showing proximate damage of a greater amount, the difference between the contract price and the market or current price at the time or times when the goods ought to have been accepted, or, if no time was fixed for acceptance, then at the time of the refusal to accept.

(4.) If, while labor or expense of material amount are necessary on the part of the seller to enable him to fulfill his obligations under the contract to sell or the sale, the buyer repudiates the contract or the sale, or notifies the seller to proceed no further therewith, the buyer shall be liable to the seller for no greater damages than the seller would have suffered if he did nothing towards carrying out the contract or the sale after receiving notice of the buyer's repudiation or countermand. The profit the seller would have made if the contract or the sale had been fully performed shall be considered in estimating such damages.

Section 65. When Seller May Rescind Contract or Sale.] Where the goods have not been delivered to the buyer, and the buyer has repudiated the contract to sell or sale, or has manifested his inability to perform his obligations thereunder, or has committed a material breach thereof, the seller may totally rescind the contract or the sale by giving notice of his election so to do to the buyer.

REMEDIES FOR BUYER.

Section 66. Action for Converting or Detaining Goods.] Where the property in the goods has passed to the buyer and the seller wrongfully neglects or refuses to deliver the goods, the buyer may maintain any action allowed by law to the owner of goods of similar kind when wrongfully converted or withheld.

Section 67. Action For Failing to Deliver Goods.] (1.) Where the property in the goods has not passed to the buyer, and the seller wrongfully neglects or refuses to deliver the goods, the buyer may maintain an action against the seller for damages for non-delivery.

(2.) The measure of damages is the loss directly and naturally resulting in the ordinary course of events, from the seller's breach of contract.

(3.) Where there is an available market for the goods in question, the measure of damages, in the absence of special circumstances showing proximate damages of a greater amount, is the difference between the contract price and the market or current price of the goods at the time or times when they ought to have been delivered, or, if no time was fixed, then at the time of the refusal to deliver.

Section 68. Specific Performance.] Where the seller has broken a contract to deliver specific or ascertained goods, a court having the powers of a court of equity may, if it thinks fit, on the application of the buyer, by its judgment or decree direct that the contract shall be performed specifically, without giving the seller the option of retaining the goods on payment of damages. The judgment or decree may be unconditional, or upon such terms and conditions as to damages, payment of the price and otherwise, as to the court may seem just.

Section 69. Remedies for Breach of Warranty.] (1.) Where there is a breach of warranty by the seller, the buyer may, at his election—

(a.) Accept or keep the goods and set up against the seller, the breach of warranty by way of recoupment in diminution or extinction of the price;

(b.) Accept or keep the goods and maintain an action against the seller for damages for the breach of warranty;

(c.) Refuse to accept the goods, if the property therein has not passed, and maintain an action against the seller for damages for the breach of warranty;

(d.) Rescind the contract to sell or the sale and refuse to receive the goods, or if the goods have already been received, return them or

offer to return them to the seller and recover the price or any part thereof which has been paid.

(2.) When the buyer has claimed and been granted a remedy in any one of these ways, no other remedy can thereafter be granted.

(3.) Where the goods have been delivered to the buyer, he cannot rescind the sale if he knew of the breach of warranty when he accepted the goods, or if he fails to notify the seller within a reasonable time of the election to rescind, or if he fails to return or offer to return the goods to the seller in substantially as good condition as they were in at the time the property was transferred to the buyer. But if deterioration or injury of the goods is due to the breach of warranty, such deterioration or injury shall not prevent the buyer from returning or offering to return the goods to the seller and rescinding the sale.

(4.) Where the buyer is entitled to rescind the sale and elects to do so, the buyer shall cease to be liable for the price upon returning or offering to return the goods. If the price or any part thereof has already been paid, the seller shall be liable to repay so much thereof as has been paid, concurrently with the return of the goods, or immediately after an offer to return the goods in exchange for repayment of the price.

(5.) Where the buyer is entitled to rescind the sale and elects to do so, if the seller refuses to accept an offer of the buyer to return the goods, the buyer shall thereafter be deemed to hold the goods as bailee for the seller, but subject to a lien to secure the repayment of any portion of the price which has been paid, and with the remedies for the enforcement of such lien allowed to an unpaid seller by section 53.

(6.) The measure of damages for breach of warranty is the loss directly and naturally resulting, in the ordinary course of events, from the breach of warranty.

(7.) In the case of breach of warranty of quality, such loss, in the absence of special circumstances showing proximate damage of a greater amount, is the difference between the value of the goods at the time of delivery to the buyer and the value they would have had if they had answered to the warranty.

Section 70. Interest and Special Damages.] Nothing in this act shall affect the right of the buyer or the seller to recover interest or special damages in any case where by law interest or special damages may be recoverable, or to recover money paid where the consideration for the payment of it has failed.

Part VI.

INTERPRETATION.

Section 71. Variation of Implied Obligations.] Where any right, duty or liability would arise under a contract to sell or a sale by implication of law, it may be negatived or varied by express agreement or by the course of dealing between the parties, or by custom, if the custom be such as to bind both parties to the contract or the sale.

Section 72. Rights May Be Enforced by Action.] Where any right, duty or liability is declared by this act, it may, unless otherwise by this act provided, be enforced by action.

Section 73. Rule for Cases Not Provided for by This Act.] In any case not provided for in this act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law or principal and agent and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall continue to apply to contracts to sell and to sales of goods.

Section 74. Interpretation Shall Give Effect to Purpose of Uniformity.] This act shall be so interpreted and construed, as to effectuate its general purpose to make uniform the laws of those states which enact it.

Section 75. Provisions Not Applicable to Mortgages.] The provisions of this act relating to contracts to sell and sales, do not apply, unless so stated, to any transaction in the form of a contract to sell or a sale which is intended to operate by way of mortgage, pledge, charge, or other security.

Section 76. Definitions.] (1.) In this act, unless the context or subject matter otherwise requires—

“Action” includes counterclaim, set-off and suit in equity.

“Buyer” means a person who buys or agrees to buy goods or any legal successor in interest of such person.

“Defendant” includes a plaintiff against whom a right of set-off or counter claim is asserted.

“Delivery” means voluntary transfer of possession from one person to another.

“Divisible contract to sell or sale” means a contract to sell or a sale in which by its terms the price for a portion or portions of the goods less than the whole is fixed or ascertainable by computation.

“Document of title to goods” includes any bill of lading, dock warrant, warehouse receipt or order for the delivery of goods, or any other document used in the ordinary course of business in the sale or transfer of goods, as proof of the possession or control of the goods, or authorizing or purporting to authorize the possessor of the document to transfer or receive, either by indorsement or by delivery, goods represented by such document.

“Fault” means wrongful act or default.

“Fungible goods” means goods of which any unit is from its nature or by mercantile usage treated as the equivalent of any other unit

“Future goods” means goods to be manufactured or acquired by the seller after the making of the contract of sale.

“Goods” include all chattels personal other than things in action and money. The term includes emblements, industrial growing crops, and things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale.

“Order” in sections of this act relating to documents of title means an order by indorsement on the document.

“Person” includes a corporation or partnership or two or more persons having a joint or common interest.

“Plaintiff” includes defendant asserting a right of set-off or counter claim.

“Property” means the general property in goods, and not merely a special property.

“Purchaser” includes mortgagee and pledgee.

“Purchases” includes taking as a mortgagee or as a pledgee.

“Quality of Goods” includes their state or condition.

“Sale” includes a bargain and sale as well as a sale and delivery.

“Seller” means a person who sells or agrees to sell goods, or any legal successor in the interest of such person.

“Specific goods” means goods identified and agreed upon at the time a contract to sell or a sale is made.

“Value” is any consideration sufficient to support a simple contract. An antecedent or pre-existing claim, whether for money or not.

constitutes value where goods or documents of titles are taken either in satisfaction thereof or as security therefor.

(2.) A thing is done "in good faith" within the meaning of this act when it is in fact done honestly, whether it be done negligently or not.

(3.) A person is insolvent within the meaning of this act who either has ceased to pay his debts in the ordinary course of business or cannot pay his debts as they become due, whether he has committed an act of bankruptcy or not, and whether he is insolvent within the meaning of the federal bankruptcy law or not.

(4.) Goods are in a "deliverable state" within the meaning of this act when they are in such a state that the buyer would, under the contract, be bound to take delivery of them.

Section 77. Act Does Not Apply to Existing Sales or Contracts to Sell.] None of the provisions of this act shall apply to any sale, or to any contract to sell, prior to the taking effect of this Act.

Section 78. No Repeal of Warehouse Receipts Law.] Nothing in this act or in any repealing clause thereof shall be construed to repeal or limit any of the provisions of Sections 1906 to 1956 both inclusive of the Revised Code relating to warehouse receipts.

Section 79. Inconsistent Legislation Repealed.] All acts or parts of acts inconsistent with this act are hereby repealed except as provided in section 78.

Section 80. Name of Act.] This act may be cited as the Uniform Sales Act.

Approved March 3, 1921.

School and Public Lands

CHAPTER 356.

(H. B. 264)

RELATING TO FORECLOSURE OF MORTGAGES.

AN ACT Entitled, An Act Amending Section 5699 of the South Dakota Revised Code of 1919, Relating to Foreclosure of Mortgages Held by County in Case of Default.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 5699 of the South Dakota Revised Code of 1919, be amended to read as follows:

Section 5699. Default—Lands Bid In By County.] In case of default in the conditions of any mortgage taken by any county pursuant to the provisions of this article, by reason of which the right to foreclose the same shall accrue, the county treasurer shall notify the states attorney of such default and the states attorney shall foreclose such mortgage by action or by advertisement in the manner provided by law for the foreclosure of mortgages upon real property. If no other person shall bid the full amount due upon such mortgage upon

the foreclosure sale, with the costs and expenses of the foreclosure and sale, the states attorney or county auditor shall bid the land in, in the name of the county, and if the same is not redeemed as provided by law, the sheriff's deed shall be made to the county and the county shall thereby become the owner of the land.

Approved March 3, 1921.

CHAPTER 357.

(S. B. 129)

RELATING TO NAVIGABLE RIVER AND LAKE BEDS.

AN ACT Entitled, An Act to Protect the Beds and Bars of Navigable Streams and Lakes in the State of South Dakota.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. From and after the taking effect of this Act, it shall be unlawful for any person, partnership or corporation to take from within or beneath the bed of any navigable river or lake, or any other river or lake, which is the property of the State of South Dakota, any sand, gravel or other material, except as hereinafter provided.

Section 2. Whenever any person shall desire to take from any such river or lake, any sand, gravel or other material, he shall first enter into a contract with the Commissioner of School and Public Lands, upon such terms and conditions, and upon such terms of payment to the State of South Dakota, as the Board of School and Public Lands may determine;

Provided, that no contract shall be made giving any person, firm or corporation any exclusive contract or privilege hereunder.

Section 3. The Board of School and Public Lands is hereby authorized and directed to make and publish all necessary and proper rules, terms and conditions for the taking, purchasing or selling of the materials and the products mentioned in this Act, and to make such changes from time to time, upon proper notice, as the rights of the State and interest of the public may require.

Section 4. It shall be the duty of the Attorney General or any prosecuting attorney on direction of the Governor, to bring any suit necessary or requisite to protect the property rights of the State under this Act.

Section 5. All funds received by the State under this Act, less expense, shall be paid to the State Treasurer, under such regulations as the Board of School and Public Lands shall provide, and shall be covered into the School Fund of the State of South Dakota.

Section 6. For the purposes of this Act, the bed and channel of any Lake or river in this State, or bordering on this State, to the middle of the main channel thereof, and all islands and sand bars lying therein, shall be considered the property of the State of South Dakota, unless this State or the United States has granted or conveyed an adverse legal or equitable interest therein;

Provided that nothing herein shall affect or impair the rights of riparian owners.

Section 7. Any person, firm or corporation violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction, shall be punished by a fine of not less than One Hundred dollars nor more than One Thousand Dollars, or by imprisonment in the County Jail for not less than one month, nor more than six months, or by both said fine and imprisonment.

NOTE BY THE SECRETARY OF STATE: The foregoing act, having been presented to the Governor of this state for his approval, and not having been returned by him to the house of the legislature in which it originated, or to the Secretary of State with his objections, within the time prescribed by the Constitution, has become a law without his approval.

C. A. Burkhart,
Secretary of State.

CHAPTER 358.

(H. B. 121)

RELATING TO LEASES OF SCHOOL LANDS.

AN ACT Entitled, An Act to Amend Section 5645 of the South Dakota Revised Code of 1919, Relating to Default in Rents Upon School and Public Lands, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 5645 of the South Dakota Revised Code of 1919, be and the same is hereby amended to read as follows:

Section 5645. Default in Rents.] Whenever any lessee shall fail to pay the annual rental for any lands leased when the same becomes due, it shall be optional with the commissioner to bring suit against such lessee in any court of competent jurisdiction in the county in which the land is situated, for the recovery of such rental, damages and costs occasioned by such failure, or to declare such lease forfeited and to proceed to offer such lands for lease. In case the commissioner considers it to the interest of the state to commence suit against such lessee, it is hereby made the duty of the states attorney of such county to commence and prosecute such suit whenever he is directed to do so by the commissioner. All money arising from such suit shall be paid into the county treasury of the proper county and be placed to the credit of the interest and income fund of the class to which such lands belong.

Section 2. Whereas, this Act is necessary for the immediate preservation of the public safety and for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this act shall be in full force and effect from and after its passage and approval.

Approved February 16, 1921.

Secretary of State

CHAPTER 359.

(H. B. 332)

RELATING TO DUTIES OF SECRETARY OF STATE.

AN ACT Entitled, An Act Providing for the Custody of Deeds and Other Title Papers Belonging to the State, Amending Subdivision 4 of Section 5332 of the South Dakota Revised Code of 1919, Providing Penalty for its Violation, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That subdivision 4, of Section 5332 of the South Dakota Revised Code of 1919, be and the same is hereby amended to read as follows:

4. To receive, file and keep on file any document, official oath, official bond, articles of incorporation and amendments thereof, and letters of acceptance which the law requires to be filed in his office. All deeds, abstracts of title and other title papers pertaining to lands owned by the state or by any department or institution of the state, except those under the control of the commissioner of School and Public Lands, and Rural Credit Board shall be filed and preserved in the office of the Secretary of State.

Section 2. Immediately upon the passage and approval of this act the secretary of state shall notify each officer, department or institution affected by this act that they must forthwith deposit all deeds, abstracts of title and other title papers in the office of the secretary of state; and it shall thereupon become the duty of all such officers, departments and institutions forthwith to deposit such title papers as hereinbefore provided, and any officer or other person charged with the duty of delivering any such title papers to the secretary of state who shall fail to make such delivery within ten days after receipt of the notice hereinbefore provided for, or who shall hereafter fail to deposit all such title papers coming into his hands, within ten days after he shall receive the same, shall be deemed guilty of a misdemeanor.

Section 3. Whereas, this Act is necessary for the immediate support of the state government and its existing public institutions, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1921.

CHAPTER 360.

(H. B. 362)

RELATING TO FEES OF SECRETARY OF STATE.

AN ACT Entitled, An Act to Amend Section 5334 of the South Dakota Revised Code of 1919, Relating to Fees of the Secretary of State.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 5334 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 5334. The Secretary of State shall charge the following fees for services performed in his office, and shall collect the same in advance:

For examining, filing and recording articles of domestic incorporations except religious, charitable, benevolent and fraternal associations, and issuing charter for the same, as follows:

Corporations organized without capital stock	\$ 10.00
Authorized capital stock of \$25,000 or less	20.00
Over \$25,000 and not exceeding \$100,000	30.00
Over \$100,000 and not exceeding \$500,000	40.00
Over \$500,000 and not exceeding \$1,000,000	60.00
Over \$1,000,000 and not exceeding \$1,500,000	80.00
Over \$1,500,000 and not exceeding \$2,000,000	100.00
Over \$2,000,000 and not exceeding \$2,500,000	120.00
Over \$2,500,000 and not exceeding \$3,000,000	140.00
Over \$3,000,000 and not exceeding \$3,500,000	160.00
Over \$3,500,000 and not exceeding \$4,000,000	180.00
Over \$4,000,000 and not exceeding \$4,500,000	200.00
Over \$4,500,000 and not exceeding \$5,000,000	220.00
Over \$5,000,000	300.00

For examining and filing amended articles of domestic incorporation, or amendments to such articles, and recording same, ten dollars: Provided, that where the capital stock is increased, in amended articles or amendments to articles of incorporation, such a fee shall be charged as shall make, together with the fee paid at the time of the incorporation, a total sum equal to the fee which would be required under this article in case the corporation had been incorporated for such total increased capitalization.

For examining, filing and recording articles of incorporation of domestic, religious, charitable, benevolent and fraternal associations, three dollars. For examining and filing amended articles of incorporation of such religious, charitable, benevolent and fraternal associations, one dollar.

For examining and filing annual statement of domestic building and loan associations and issuing certificate of authority, five dollars.

For filing, recording and safe-keeping of any instrument or paper required by law to be filed and recorded in his office, per folio of one hundred words, twenty-five cents.

For making transcript of any record, instrument or paper, on file in his office, per folio of one hundred words, twenty-five cents.

For filing and safe-keeping of any instrument or paper required by law to be filed only, fifty cents; except the oath of office of mem-

bers of the legislature and legislative officers and employees, for which there shall be no fee.

For each commission, requisition, extradition, passport or other document, signed by the Governor and attested by the Secretary of State, under the Great Seal of the State, except commissions issued for executive appointments, and making the proper record for the same, three dollars.

For filing appointment and issuing commission for Commissioner of Deeds, ten dollars.

For filing application, bond and issuing commission of notary public, two dollars and fifty cents.

For official certificate, attestation and impression of the Great Seal, one dollar.

For filing certified copy of decree of dissolution of corporation, one dollar and fifty cents.

For filing by-laws of benevolent corporations, two dollars.

Approved March 12, 1921.

Securities Commission

CHAPTER 361.

(H. B. 338)

RELATING TO SECURITIES COMMISSION.

AN ACT Entitled, An Act to Amend the Following Sections of the South Dakota Revised Code of 1919. Relating to the State Securities Commission: Sections 10128, 10129, 10137, 10138, 10139 and 10145, and 10135 as Amended by Chapter 310 of the 1919 Laws, and 10149 as Amended by Chapter 82, Laws of 1920, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 10128 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 10128. Investment Companies Defined.] Every person, corporation, partnership, company or association, except those exempt under the provisions of this chapter, organized or which shall hereafter be organized in this state, whether incorporated or unincorporated, who or which shall, either directly or through any person, engage in the business of selling or negotiating for the sale of any stocks, bonds, investment contracts, service contracts, purchase contracts, membership certificates, or other securities issued by him or it within this state, shall be known for the purpose of this chapter as a domestic investment company. Every such person, corporation, partnership, company or association, resident of or organized in any other state, territory or government, shall be known for the purposes of this chapter as a foreign investment company. The words "stocks, bonds, investment contracts, service contracts, purchase contracts, membership certificates and other securities" as used in this chapter, shall be deemed to include any and all shares, interests or units in any trust created by any so called com-

mon law trust agreement, declaration of trust or otherwise, and all sales of lots or parcels of land or of any undivided or other interest therein, such as minerals, oils, or gas, when such sale is expressly or impliedly coupled with a profit-sharing scheme of any kind, and the sale of all units, shares or interests, when such sale is expressly or impliedly coupled with a profit-sharing scheme of any kind, also oil and gas leases and assignments of same; and the words "investment company" shall be deemed to include an organization founded upon a common law trust agreement for the issuance of such shares or interests.

Section 2. That Section 10129 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 10129. When Chapter Not Applicable.] The provisions of this chapter shall not apply to:

1. Securities of the United States, of any foreign government, of any state or territory of the United States, or of any county, city, township, district or other public taxing subdivision of any state or territory of the United States, or any foreign country.

2. Commercial paper, including promissory notes, and the mortgages, contracts, collateral or other things, if any, securing the same, when said commercial paper, notes and securities have, in a bona fide way, been issued, given or acquired in the ordinary course of legitimate business, trade or commerce, and have not been issued in multiples or in series with the intention of selling them to the public in the manner in which corporate stocks and securities are commonly sold.

3. Securities of public or quasi public corporations, the issue of which securities is regulated by the Board of Railroad Commissioners of this state, or by a public service commission or board of equal authority of any state or territory of the United States or securities senior thereto.

4. Securities of national banks; or of state banks, trust companies and building and loan associations organized under the laws of this state.

5. Securities of any domestic corporation organized without capital stock and not for pecuniary gain, and of those organized exclusively for educational, benevolent, charitable or reformatory purposes.

6. Mortgages upon real and personal property situated within the state where the entire mortgage is sold and transferred with the note or notes secured by such mortgages.

7. Stock dividends.

8. Securities which are listed in any standard manual of information approved by such commission; provided, that such commission shall have the power to call for additional and further information than that contained in such manuals with reference to any securities listed therein, and may, pending the filing of such information, suspend the sale of such securities, and also suspend, either temporarily or permanently, the sale of any securities listed in such manuals after a hearing upon notice to the issuers of such securities, if such commission shall find that the sale of such securities would work a fraud upon the purchasers thereof.

9. Isolated or single transactions.¹ All permits granted by the commission created by chapter 319 of the laws of 1913, that may be in force when this Code takes effect, shall remain in force, subject to revocation by the commission provided for in this chapter.

Section 3. That section 10135 of the South Dakota Revised Code of 1919, as amended by Chapter 310 of the Laws of 1919, be and the same is hereby amended to read as follows:

Section 10135. Commission—Duties.] It shall be the duty of such Commission to examine the statements and documents filed in its office by any investment company and the reports of any investigation conducted under its direction and to hear such applicant and it shall have power to examine under oath any person interested or connected with such investment company, and if such Commission finds that the proposed plan of business of such investment company, or that its proposed contracts, stocks, bonds, investment contracts or other securities are fraudulent or are of a nature that the sale of such contracts, stocks, bonds or other securities would in the opinion of such Commission work a fraud upon the purchaser, such Commission shall disapprove the sale of such proposed contracts, stocks, bonds, or other securities and shall notify such investment company by registered mail of its findings and disapproval. If such Commission shall not find that the proposed plan of business of such investment company or that its proposed contracts, stocks, bonds or other securities are fraudulent or are of such a nature that the sale of such contracts, stocks, bonds, or other securities would in the opinion of such commission work a fraud upon the purchaser thereof, it may approve the sale of such stocks, bonds, contracts or other securities in this state and issue its certificate in substantially the following language:

"This is to certify that _____ has this date been given permission to sell \$ _____ of its _____ within the State of South Dakota.

Dated _____

In witness whereof, I have hereunto affixed the corporate seal of the Securities Commission.

(SEAL)

Secretary _____

Every investment company licensed under the provisions of this Act shall cause each stock certificate or other evidence of the sale, transfer or ownership of any stock, share or interest issued by it, before the same is delivered to the subscriber, stockholder, transferee, purchaser or owner thereof, to be forwarded to the State Securities Commission, and the Secretary of the Commission shall enter in the records of his office a notation of the same, and shall place upon such certificate a stamp or endorsement showing that such stock issue or transfer is a matter of record in his office. A fee of twenty-five (25c) cents shall be paid by such investment company for the registration of each such certificate or other evidence of sale. Such certificate shall be accompanied by a duplicate of the subscription, application or other contract made by or with the subscriber or transferee, and, if any note or other obligation for the payment of money or the delivery of property is given in payment for such stock, share or interest, such note or obligation shall also accompany the stock certificate and shall be stamped and recorded in the same manner as the stock certificate. Such stock certificate and the papers accompanying it shall be returned or forwarded as the person submitting it may direct, unless it shall appear from such exhibits that the transaction is in violation of law, or of the rules, conditions or limitations fixed or imposed by the Commission, in which case such exhibits may be retained by the Commission for use in the course of such further proceeding as the Commission may see fit to take. If the vendor or issuer of any such stock, share or interest shall fail to register the same in the office of the State Securities Commission as hereinbefore provided, then the subscription for such stock, shares or interests, and all contracts, notes or other obligations given for the purchase thereof, shall, at the option of the subscriber, be void and unenforceable.

The Commission shall have power to impose by order such further terms, conditions, requirements, restrictions, or limitations upon granting its certificate of authority as it may deem necessary to prevent fraud upon purchasers or subscribers and may require any investment company to specifically consent in writing to any such terms, conditions, restrictions, or limitations imposed for the purpose of preventing fraud as a condition precedent to the issuance of such certificate to any applicant. The failure, omission, or neglect to obey, observe or comply with any order containing terms, conditions requirements, restrictions, or limitations or the violation thereof, shall be sufficient grounds for the suspension and cancellation of the certificate then in effect. Whenever it shall be necessary in the opinion of the Commission to prevent fraud upon the purchasers of securities covered by this chapter, it shall have power to require the bonding of any or all officers for the benefit of purchasers as a condition precedent to the issuance of a certificate. The Commission shall have power at any time upon notice duly given and hearing duly had to amend, alter, cancel or revoke any terms, conditions, requirements, restrictions or limitations, contained in any order and may suspend the certificate of the investment company pending such hearing.

Section 4. That Section 10137 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 10137. Dealer to Register.] Any dealer desiring to sell or offer for sale within this state any stocks, bonds, contracts or other securities, not exempted under the terms of this chapter, shall first register with the Securities Commission and shall furnish such Commission, upon oath, in such form as the Commission shall prescribe, the following information: The dealer's name, residence and business address, the general character of the securities to be dealt in, the place or places where the business is to be conducted within this state and where the business in this state is not to be conducted by the dealer in person, the names and addresses of all the persons in charge thereof. Every such dealer shall deposit with the State Treasurer a guaranty fund consisting of such bonds and other evidences of indebtedness, and in such amount as the Securities Commission may require, such securities to be approved by the State Treasurer and held in trust by him for the faithful performance and payment of the obligations of such dealer and his or its agents, and as security for their creditors. Such dealers shall pay to the Commission a fee of fifty dollars (\$50.00) and shall furnish the Commission with such additional information as it shall deem necessary in order to thoroughly acquaint it with the character of the business of such dealer. All authorized agents of any dealer or investment company shall be registered with the Commission and the name of any agent shall be stricken from the register by the Commission upon the written request of the dealer or investment company, and additional agents may be registered by the Commission upon like request of the dealer or investment company; provided, that no agent shall act as such until he shall have filed with the Commission a signed and acknowledged certificate of registration and acceptance of agency upon forms to be furnished by the Commission; provided, further that the Commission shall have authority to reject or cancel the registration and appointment of any person as agent for such cause as may to the Commission appear sufficient. If a dealer shall be a non-resident of the state or a corporation other than a domestic corporation, he shall at the time he registers with the Commission file with the Commission a written, duly authenticated, appointment of the Superintendent of Banks of this state as his

Laws—32.

or its agent in this state upon whom process or pleadings may be served, such consent stipulating and agreeing that such service of such process or pleadings on such Superintendent shall be taken and held in all Courts to be as valid and binding as if due service had been made upon such dealer, and which appointment shall be irrevocable. Upon compliance by such dealer with the provisions of this chapter, the Commission may issue to such dealer a license under the seal of the Commission and signed by the Secretary thereof, which license shall be good until revoked by the Commission for good cause upon notice to such dealer and a hearing duly had thereon.

Section 5. That Section 10138 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 10138. Agents Fee.] In addition to the filing and examination fees provided for in this chapter to be paid by investment companies and dealers, there shall be charged and collected by the Securities Commission a fee of three dollars (\$3.00) for the registration and authorization of each agent of any such investment company or dealer, which fee and registration shall entitle each agent to act as such until the first day of July following, unless such authority be sooner revoked by the Commission or the dealer or investment company. Each such agent, except those agents of domestic investment companies having an authorized capital not in excess of \$100,000, which are conducting going businesses within the state, who do not charge or receive any compensation for the sale of the stock of the said investment companies, shall file in the office of the Secretary of State a surety bond to be approved by the Securities Commission, and in the penal sum of ten thousand dollars (\$10,000.00) conditioned for the faithful performance and payment of the obligations of such agent and for the payment of all claims of damages for which he may become liable through fraud, deceit, misrepresentation or otherwise in the course of his agency. If such agent shall be a non-resident of the state, he shall, at the time he registers with the Commission, file his written appointment of the Superintendent of Banks of this state as his agent, upon whom process or pleadings may be served in this state, in like manner and with like effect as in the case of a dealer. In granting such agent's license, the Commission may impose such restrictions and make such regulations as it may deem advisable, and may require from any such agent full and accurate reports of all his dealings, and may require him to promptly furnish to the Commission accurate copies of all subscriptions or other contracts procured by him. Each of such agents shall make a new registration on the first day of July of each year for the renewal of his agency, and the Commission shall charge and collect for each such renewal registration a fee of three dollars (\$3.00). All fees and charges collected by the Commission shall be covered into the State Treasury and credited to the Securities Commission Fund, which is hereby appropriated to the use of the Commission toward paying the expenses of enforcing this chapter. The expenses of the Commission shall, however, be limited to the money received by it in fees. All expense actually and necessarily incurred by the Commission for salaries and expenses in carrying out the provisions of this chapter shall be paid by the State Treasurer upon warrants drawn upon the Securities Commission Fund by the State Auditor, upon duly itemized and approved vouchers.

Section 6. That Section 10139 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 10139. Company to Keep Accounts—Examinations.] Gen-

eral accounts of every investment company, domestic or foreign, shall be kept in a business like and intelligent manner and in sufficient detail that the Securities Commission can ascertain at any time its financial condition, and their corporate records and books of accounts shall at all times during business hours, except on Sundays and legal holidays, be open to stockholders and investors in such company, and such commission, or its duly authorized representatives; and all such investment companies shall be subject to examination by such commission, any member thereof, or its authorized representative, at any time such commission shall deem it advisable, and in the manner provided for the examination of state banks. Such investment company shall pay to the Securities Commission for each examination, the sum of ten dollars (\$10.00) for each day or fraction thereof, that any such commission or its authorized representative is absent from the capital for the purpose of making such examination, and all traveling and hotel expenses of the person or persons, making such examination; and in case it shall be made to appear to the Commission from any such examination, after such investment company has been authorized to sell its stocks, bonds, contracts or other securities, that the further sale of such stocks, bonds, contracts or other securities would work a fraud upon the purchaser; or upon the failure or refusal of such investment company to pay any examination fees, upon demand of such commission or its representatives, the commission may make an order revoking the license of such investment company to sell its stocks, bonds, contracts, certificates or securities upon notice duly given and a hearing duly had, and may, pending such hearing, suspend the right of such investment company to sell its stocks, bonds, contracts, certificates or securities. In case of a preliminary examination of any investment company by such commission for the purpose of ascertaining whether such company shall be permitted to come under the provisions of this chapter, the fee of such examination shall be the same as provided in this section. The Commission shall be empowered to at all times, through its proper representatives, attend the corporate meeting of such investment company, and have a voice therein, and to institute in the courts of any state or in the Federal Courts, any and all such civil or criminal actions, or proceedings as the Commission may deem necessary for the protection of the interests of the stockholders of such investment company or of the public generally.

Section 7. That Section 10145 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 10145. False Statement or Entry.] Any person who shall knowingly or wilfully subscribe to, or make or cause to be made, any false statement or false entry in any book of any investment company, or who shall exhibit any false paper with the intention or for the purpose of deceiving any person authorized to examine into the affairs of any investment company, or shall make or publish any false statement of the financial condition of any investment company, or false statement relating to the contracts, certificates, stocks, bonds, or other securities issued by it and offered for sale, shall be deemed guilty of a felony. Any person who shall knowingly make any false statement in any application, report or exhibit required by law or by the regulations of the State Securities Commission to be furnished to said commission, or who shall knowingly make any false statement at any hearing before said Commission, or in the course of any investigation or examination made by any authorized representative of said Commission, shall be deemed guilty of a felony and punished as for the crime of perjury.

Section 8. That Section 10149 of the South Dakota Revised Code of 1919, as amended by Chapter 82, Laws of 1920, be and the same is hereby amended to read as follows:

Section 10149. Violation—Penalty.] Any person, firm or corporation who shall violate any of the provisions of this chapter or shall sell any corporate stock or other securities in excess of the amount authorized by the Commission, shall be deemed guilty of a felony. It shall be unlawful for any person, firm or corporation to violate or fail to comply with any order or requirement made or imposed by the Commission, and any person, firm or corporation who shall fail or neglect to comply with any order or requirement or who shall violate any of the same shall be deemed guilty of a misdemeanor and upon conviction, shall be punished by a fine of not to exceed one thousand dollars or by imprisonment in the county jail not exceeding one year or by both such fine and imprisonment.

Section 9. Whereas, a large number of enterprises are being organized at the present time and whereas the present law is inadequate and whereas, this statute is necessary for the immediate preservation of the safety and support of the state government and its existing institutions, an emergency is hereby declared to exist and this Act shall take effect and be in force from and after the date of its passage and approval.

Approved March 11, 1921.

Sheriffs

CHAPTER 362.

(H. B. 135)

RELATING TO SHERIFF'S FEES.

AN ACT Entitled, An Act to Amend Section 5962 of the Revised Code of 1919 as Amended by Chapter 312 of the Session Laws of 1919 Relating to Fees, Per Diem, Commissions and Prisoners' Keep.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 5962 of the Revised Code of 1919 be amended to read as follows:

Section 5962. Fees, Per Diem, Commissions, Prisoners' Keep.] The Sheriff shall be entitled to charge and receive the following fees and travelling expenses:

For serving order of arrest with commitment or bail bond and return, two dollars.

For each search on search warrant, one dollar.

For arresting under search warrant, each defendant, two dollars.

For serving summons, warrant of attachment, affidavit, notice and undertaking in claim and delivery, of injunction, order to show cause, citation or other mesne process, and return thereof, sixty cents, and for each additional defendant, fifty cents.

For copy of summons, or warrant of attachment, twenty-five cents.

For copy of order of injunction, order to show cause, each ten words, one cent.

For serving subpoena for witness, each person, fifty cents.

For taking and filing undertaking in claim and delivery or other indemnification to be furnished to and approved by the sheriff, one dollar.

For travelling expenses, for each mile actually and necessarily travelled, except by train, twenty cents; for travel by train, for the first fifteen miles and return, twenty cents; for additional travel by train, in excess of fifteen miles and return, seven cents.

For making a copy of any process, bond or paper other than herein provided, every ten words, one cent, except in case where such copy is furnished to the sheriff, no fee shall be charged for such copy.

For levying writ of execution and return thereof, one dollar.

For levying writ of possession with the aid of the county, three dollars and fifty cents.

For levying writ of possession without the aid of the county, two dollars.

For serving notice upon each juror who refuses or neglects to accept service of summons mailed by the clerk, fifty cents, and twenty cents for each mile actually and necessarily traveled.

For each person not on the regular panel, called as a juror during any term of court by order of the court, twenty-five cents, and twenty cents for each mile actually and necessarily traveled.

For summoning special jury, for each person impaneled, twenty-five cents.

For serving notice of motion or other notice or order of court, fifty cents.

For executing writ of habeas corpus and return, one dollar and twenty-five cents.

For serving writ of restitution and return, one dollar and twenty-five cents.

For calling inquest to appraise any goods and chattels which he may be required to have appraised, sixty cents; and to each appraiser to be taxed as costs, one dollar.

For advertisement of sale in newspaper, in addition to printing, sixty cents.

For advertising in writing sale of personal property, one dollar.

For posting notices of sale of real property, one dollar.

For executing writ or order of partition, two dollars.

For making deed for land sold on execution or order of sale, two dollars.

For committing prisoner to prison or discharging therefrom, fifty cents.

For opening court and attending thereon, per day, to be paid by the county, four dollars.

For boarding prisoners, per day, not exceeding one dollar, to be determined by the board of county commissioners.

For distributing ballot boxes to the various precincts, two dollars per day and mileage.

He shall not be allowed for attendance on justice's court except in criminal cases and in no case to exceed eight dollars, and shall not be allowed for attendance in county court while engaged in matters of probate.

His commission on all money received and disbursed by him on execution or order of sale, order of attachment, decree, or on sale of

real or personal property, shall be, for each dollar not exceeding four hundred dollars, three cents; for every dollar above four hundred dollars, and not exceeding one thousand dollars, two cents; for every dollar above one thousand dollars, and not to exceed fifteen thousand dollars, one cent; such commissions to be included as part of the costs of execution order or sale, order of attachment, decree, or on sale of real or personal property, and to be paid by redemptioner in all cases of redemption: Provided, that in case of redemption the sheriff shall receive two dollars and no more.

In all cases in the circuit court where persons in whose favor the execution or order of sale is issued shall bid in the property sold on execution or decree, the sheriff or master making such sale shall receive the following compensation:

If the amount for which the property is bid in shall be one thousand dollars or less, the sum of five dollars and no more; if the amount for which the property is bid in be more than one thousand dollars, the sum of ten dollars and no more. The sheriff making a sale of real property under a foreclosure of mortgage by advertisement shall receive the same fees as for the sale of real property under a judgment of foreclosure and sale of real property. In all cases where personal property shall be taken by the sheriff on execution or warrant of attachment and applied in satisfaction of the debt without sale, he shall be allowed the same percentage on the appraised value of the same as in case of sale.

Approved March 4, 1921.

Soldiers' Compensation Act

CHAPTER 363.

(S. B. 240)

RELATING TO SOLDIERS' COMPENSATION.

AN ACT Entitled, An Act Creating the Soldiers' Compensation Board, and Defining its Powers and Duties; Authorizing the State to Borrow Money on Bonds Secured by the Good Faith and Credit of the State for the Purpose of Compensating Soldiers, Sailors and Marines and Army Nurses Who Have Served With the Armed Forces of the United States, or With Allied Armies; Making an Appropriation of the Sum of \$25,000.00, and Fixing the Salaries and Compensation of the Board and its Employees, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby created a Soldiers' Compensation Board to consist of the Governor, who shall be ex-officio Chairman; the State Treasurer, who shall be ex-officio treasurer of the Board; and three other members to be designated and appointed by the Governor, one of whom shall be designated by the Governor as Secretary and one Executive Officer of the Board, and to hold office during the pleasure of the Governor.

Section 2. The members of the Board who are not State Officers shall each furnish a bond to the State of South Dakota, in the sum not less than five thousand dollars (\$5000.00), conditioned for the faithful performance of their duties, and to account for the payment of all moneys and property which may come into their hands, and shall be approved and filed in like manner as bonds given by State Officers.

Section 3. The compensation of the members of such Board, other than the Executive Officer, the Secretary and those who are State Officers, is hereby fixed at the sum of \$5.00 per day while engaged in the actual performance of their duties, together with their actual and necessary expenses, to be paid out of the appropriation made by this Act. The Executive Officer and Secretary shall receive such compensation as is fixed by the Board and approved by the Governor.

Section 4. Such Board may employ assistants, clerks and employees and fix their bonds, salaries and compensation. It shall also make such rules and regulations as it may deem necessary and proper to carry this Act into full force and effect. The decision of the Board upon all claims submitted shall be considered final.

Section 5. For the purpose of paying the salaries, compensation and expenses of the Board, its assistants, clerks and employees, there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of \$25,000.00, or so much thereof as may be necessary for that purpose, to be paid out upon warrants of the State Auditor, issued on vouchers approved by the Governor.

Section 6. The Board is hereby authorized to borrow money and to issue and dispose of bonds payable by the State as follows:

(a) Such bonds shall be executed in the name and on behalf the State by the Chairman and Secretary of such Board, and shall in no case exceed the sum of Six Million Dollars (\$6,000,000.00), and shall be issued in such denominations as the board may determine, and in any event not less than One Hundred Dollars (\$100.00) and shall bear interest at a rate not in excess of six per cent (6%) per annum payable annually or semi-annually.

(b) Said bonds shall be due and payable on a date or dates to be determined by the Board to be inserted in the bonds, as a part of the terms thereof, both principal and interest being payable at a place designated by the Board.

(c) The form of said bonds shall be such as is prescribed by the Board, and shall bear as an imprint across the face thereof, the words, "Soldiers' Compensation Bonds of South Dakota", and shall have affixed thereto the Great Seal of the State, and before sale shall be registered in the office of the State Treasurer.

(d) Such bonds shall be negotiated by the said Board in such manner as it may deem expedient, provided, however, that no bond shall be sold at less than its par value.

Section 7. The proceeds from the sale of such bonds shall be reported in detail and paid into the State Treasury and credited to a special fund, to be designated as the "Soldiers' Compensation Fund", to be used and expended by the Board for the payment of compensation as authorized by this Act.

Section 8. The Tax Commission of the State of South Dakota is hereby authorized and directed to levy annually a tax on the assessed valuation of all taxable property in the State, sufficient to pay the interest and the principal of such bonded indebtedness as the same may become due and payable under the terms and conditions of said bonds.

The good faith and credit of the State of South Dakota is hereby pledged for the redemption of the bonds issued under the provisions of this Act.

Section 9. Such taxes when collected shall be paid into the State Treasury and credited to a special fund, to be designated as "Soldiers' Compensation Interest and Sinking Fund", and applied to the payment of the interest on such bonds, and the final redemption of such bonds as they may become due and payable, and such taxes are hereby dedicated to that purpose, and when paid into the State Treasury shall remain a specific fund for that purpose only, except as hereinafter provided.

Section 10. The Sinking Fund provided for in the preceding section shall be under the control of the State Board of Finance and shall be subject to the provisions of Sections 6872 to 6887, both inclusive, of the South Dakota Revised Code of 1919; except that such funds may be invested by said State Board of Finance in bonds or evidence of indebtedness of the United States or of the State of South Dakota or any county thereof, and except further that the interest earned thereon shall be credited to the "Soldiers' Compensation Interest and Sinking Fund".

Section 11. All bonds issued by the Board under this Act shall be free from all general taxes, state, county, municipal, and shall not be subject to State income tax.

Section 12. The Secretary shall keep an accurate account of all the proceedings and transactions of the Board, make all reports, requisitions and statements, and perform all such other duties as may be required of him by the Board.

Section 13. The proceeds of such bonds shall be used and expended for the purpose of compensating, as hereinafter provided, honorably discharged soldiers, sailors, marines and Army Nurses who have served with the Armed Forces of the United States, in the World War, or other wars of the United States, including former American citizens, who have served in Allied Armies, against the Central Powers in the World War, and who have been honorably discharged and repatriated; and shall remain a specific fund for that purpose until July 1st, 1923, at which time the balance remaining in such fund and unclaimed, shall revert to the "Soldiers' Compensation Interest and Sinking Fund" and be used for the purposes for which that fund is authorized to be used under the provisions of this Act.

Section 14. Every resident of South Dakota who honorably served in the Army, Navy or Marine Corps of the United States during the Spanish American War and Philippine Insurrection; and every person, male or female, who was enlisted, inducted, warranted or commissioned, and who served honorably in active duty in the naval, military, marine or air forces of the United States at any time between the 6th day of April, 1917, and the first day of October 1919, both inclusive, or

Who, being a citizen of the United States at the time of entry into the World War by the United States, served on active duty in the naval, military or air forces of any Government associated with the United States in that War as a belligerent, shall be entitled to received from the proceeds of the bonds issued under the provisions of this act, the sum of fifteen dollars (\$15.00) for each full month and fifty cents (\$.50) for each additional day that such person was in actual active service within the period of time stated above, or in such service during the Spanish American War and Philippine Insurrection; provided, however, that no compensation shall be paid under this act unless such person

served for a period of sixty (60) days, and was at the time of such service a resident of the State of South Dakota, and was a resident during a period of ninety days immediately preceding the date of his enlistment, induction or commission in such service, and was honorably separated or discharged from such service, or is still in active service or has been retired, or has been furloughed to a reserve; and provided further that no person shall be entitled to compensation under the provisions of this act for more than eighteen months service in the Spanish American War and Philippine Insurrection inclusive, and that no person shall receive more than four hundred dollars (\$400.00) under the provisions of this act.

Section 15. The date of entry into service of persons previously enlisted in the National Guard of the State shall be deemed to be July 15th, 1917, for the purposes of this act; except as to those persons who were called into active service prior to that date and after April 6th, 1917.

Section 16. No person shall be entitled to compensation under the provisions of this act, who, being in the military or naval service of the United States subsequent to the 6th day of April, 1917, refused on conscientious, political or other grounds to subject himself to military discipline or to render unqualified service, or who, being in such service, was separated therefrom under circumstances amounting to dishonorable discharge and has not been subsequently restored officially to an honorable status, or who has received from another State a bonus or gratuity, or compensation of a nature similar to that provided for by this act, prior to the time payment thereof is made to him under this act.

Section 17. In the case of the decease of any person after the passage of this act, who would, if alive, be entitled to the benefits under this act, the aforesaid sum shall be paid to his dependents, if any; provided, however, that if there be more than one dependent, payments shall be made in such proportions as the Soldiers' Compensation Board shall determine, and in determining the order of precedence so far as practicable the following order shall be observed: Wife, children, mother, father and other dependents. No right of payment under the act shall be subject to the claims of creditors, capable of assignment, regarded as assets legal or equitable of the estate of the deceased, or made the basis for the administration thereof.

Section 18. No compensation shall be payable under this act to Welfare Workers, including those engaged in work of the Red Cross, Young Men's Christian Association, Young Women's Christian Association, National Catholic War Council, Jewish Welfare Board, War Camp Community Service, American Library Association and Salvation Army.

No compensation shall be payable to persons serving in Student's Army Training Camps, who in addition to Military Training received general educational instruction.

No compensation shall be payable to students in Officers' Training Camps who failed to receive, or refused to accept commissions and separated themselves from the service upon the completion of such course, unless such student was regularly enlisted prior to his assignment to duty at such Officers' Training Camp.

In all cases not within the express purview of this act the decision of the Compensation Board as to payment or non-payment of compensation or eligibility therefor shall be in all things final.

Section 19. All claims for compensation under the provisions of

this act shall be presented to the Board on such forms as the Board may require, and warrants therefor shall be issued by the State Auditor when such claims have been approved by the Board.

Section 20. Any person who shall falsely make application for Soldiers' Compensation under the provisions of this act shall be guilty of a misdemeanor, and shall be punished by a fine of not less than fifty dollars (\$50.00) and not exceeding five hundred dollars (\$500.00), or by imprisonment in the county jail for a period of not less than thirty days, nor more than ninety (90) days, or by both such fine and imprisonment.

Section 21. Whereas, this act is necessary for the Immediate preservation of the public peace and safety and for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1921.

Soldiers' Home

CHAPTER 364.

(H. B. 171)

RELATING TO ADMISSION TO HOME.

AN ACT Entitled, An Act to Amend Section 9955 of the South Dakota Revised Code of 1919, Relating to Admission to the South Dakota Soldier's Home.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 9955 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 9955. Admission-Eligibility.] 1. Any veteran of the Civil War, Mexican War, Spanish-American War, Philippine Insurrection, or the World War who has an honorable discharge and who has been a resident of this State for the period of three years next preceding the date of the application, who is incapacitated from earning a livelihood and who has no income in excess of six hundred (\$600.00) Dollars per annum shall be eligible to admission to such home.

2. The wife of any veteran of the Civil War who is eligible to become a member of the home may be admitted with her husband as a member of the home, provided such wife shall have attained the age of sixty years, and have married such Civil War Veteran prior to the year 1905. She must provide her own clothing, do her own laundering and keep the room or cottage of herself and husband in order and shall be subject to the same rules as to furlough and discharge as her husband.

3. The Widow of any Civil War Veteran may be admitted for membership in the home upon the following conditions; She shall have attained the age of sixty years, must have married such Civil War Veteran prior to the year 1905, and must have been a resident of this

State for the period of three years preceding the date of the application, and have no other home, and provide her own clothing, do her own laundering and care for her room, so far as she may be able, and shall be subject to the same rules as to furlough, suspension and discharge as the veterans of the Home.

Approved February 28, 1921.

Soldiers and Sailors

CHAPTER 365.

(S. B. 139)

RELATING TO APPOINTMENT TO OFFICE.

AN ACT Entitled, An Act to Amend Section 9961 of the Revised Code of 1919, as Amended by Chapter 314 of the Session Laws of 1919.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 9961 of the Revised Code of 1919, as amended by Chapter 314 of the Session Laws of 1919, be and is hereby amended to read as follows:

Section 9961. Preferred for Appointment] In every public department and upon all public works, of the State of South Dakota, and of the cities, towns and villages thereof, honorably discharged soldiers and sailors of the Army or Navy of the United States of America, of the Civil War, the Spanish-American War, Phillipine Insurrection and World's War, shall be preferred for appointment in all cases; Applicants for appointments shall possess the qualifications and business capacity necessary to discharge the duties of the positions involved.

Approved March 1, 1921.

South Dakota Land Settlement Act

CHAPTER 366.

(S. B. 325)

RELATING TO LAND SETTLEMENT.

AN ACT Entitled, An Act to Amend Sections 2, 3, 9 and 17 of Chapter 315, Session Laws of 1919, Relating to Land Settlement,

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 2, Chapter 315, Session Laws of 1919, be and is hereby amended to read as follows:

Section 2. There is hereby created a South Dakota Land Settlement Board to consist of the Governor, the Rural Credit Commissioner,

the Commissioner of Immigration, and two other members who will be appointed by the Governor, and unless sooner removed by the Governor, shall serve for a term of three and two years respectively, and to be so selected that the Board will not be composed wholly of persons who are members of or affiliated with the same political party or organization. One of the appointed members shall be designated as Land Settlement Commissioner and shall be ex-officio secretary and general executive officer of the Board, and shall be appointed for a term of three years, shall devote all of his time and attention to the duties of his office and shall receive a salary of Three Thousand Dollars (\$3,000.00) per annum, payable monthly. He shall at the time of his appointment subscribe and file the usual oath and furnish a bond in a sum not less than Five Thousand Dollars (\$5,000.00), but at all times sufficient to protect the state against loss, to be approved and filed as are the bonds of other state officers. He shall be custodian of the seal of said Board, which seal shall contain the name of the Board, and shall keep a record of all its proceedings and all such other books, records and accounts as are necessary or requisite to keep an accurate record of all the business transacted by the Board and shall do and perform such other duties as may be required of him by said Board. The remaining member shall be appointed for a two year term and receive a per diem of Six Dollars (\$6.00) per day, while engaged in discharging his duties as such member. He shall take and subscribe to the usual official oath and shall furnish an official bond in a sum not less than Five Thousand Dollars (\$5,000.00). The Attorney General shall be the legal adviser of the board and represent the board in any suits or actions which may arise out of the discharge of its duties.

Section 2. That Section 3 or Chapter 315 of the Session Laws of 1919 be and the same is hereby amended to read as follows:

Section 3. Said Board shall have authority to acquire on behalf of the state, such lands in this state as, in its opinion, are suitable for cultivation and improvement, together with any water rights and rights of way desirable or necessary in connection therewith; to improve and sell such lands to approved settlers, giving preference always to soldiers, under the condition prescribed by this act; to set aside for town site purposes any lands acquired under this act, when in the judgment of the Board this is desirable, and to subdivide and sell same in lots of such size and with such restrictions as to resale as the Board shall determine best; to set aside and dedicate to public use such area, or areas, as it may deem desirable for roads, school houses, churches or other public purposes; to improve or to furnish money in the manner herein provided for the improvements or equipment or lands sold to a settler, or upon which the owner has obtained a loan from the State through the South Dakota Rural Credit Board, or under the Federal Farm Loan Act, or public lands which have been sold by the state upon deferred payments; to take security upon the lands, improvements and equipment for lands sold, improvements made or moneys furnished; to borrow upon the credit of the state not exceeding the sum of two million dollars (\$2,000,000.00) including the amount heretofore issued to be used for the purpose authorized by this act, and to issue warrants or bonds of the state therefor; to expend any moneys appropriated for the use of the Board, or which it may obtain by the sale of its securities, or otherwise, as herein provided; to co-operate with the Federal Government in providing employment and homes for soldiers and settlers by providing for and encouraging settlement upon lands, and for this purpose, to enter into contracts, or agreements, with the United

States of America, and it shall have the authority to perform all acts necessary to co-operate fully with the agencies of the United States engaged in work of a similar nature; to acquire tracts of land that are susceptible of intensive cultivation by reason of irrigation or otherwise, and to prepare such lands for irrigation and cultivation, and to subdivide and sell the same; to exercise the power of eminent domain on the part of the state for the condemnation of water rights, rights of way for roads, canals, ditches, dams and reservoirs necessary or desirable for carrying out the provisions of this act, and, on request of the Board, the attorney general shall bring the necessary and appropriate proceedings authorized by law for such condemnation; to appropriate water under the laws of the state when such appropriation is necessary or desirable for carrying out the purposes of this act, to procure such employees as it may deem necessary to conduct the business of the Board; to fix the bonds and salaries or compensation of such employees; to define the duties of the officers, agents and employees of the Board, and shall make to the Governor annually a full report of its business for the preceding fiscal year with such general information and recommendations as may to the Board seem proper.

Section 3. That Section 9, Chapter 315, Session Laws of 1919 be and is hereby amended to read as follows:

Section 9. Whenever warrants or bonds are issued by the Board under this Act, it shall be the duty of the Land Settlement Commissioner to submit to the Governor a full statement thereof and a copy shall be filed in the office of the Secretary of State as a permanent record. Said warrants or bonds shall be registered in the office of the State Treasurer and sold at not less than par. Bonds and warrants may be issued in such denominations not exceeding one thousand dollars (\$1,000) as may be determined by the Board. The terms of said bonds shall in no case be longer than ten years from the final passage of this amendatory act. They shall have interest coupons attached, payable semi-annually, and shall be issued in series of not less than twenty-five thousand dollars (\$25,000.00), the amount, rate of interest and terms to be fixed by the Board. They shall bear on their face the words "Land Settlement Bonds," and the great seal of the State of South Dakota shall be fixed to each bond. All such bonds shall be exempt from any taxes, levies or impositions made under authority of the laws of this State, and the good faith and credit of the State of South Dakota is hereby pledged for the payment of said bonds, and interest thereon as the same becomes due. Warrants may be issued for short time credit, when the Board deems this to be necessary, but the interest rate shall not be greater than six per cent per annum, and the Board shall endeavor to secure the best interest rate possible on both bonds and warrants. The Board shall prescribe rules and regulations concerning the manner in which such bonds and warrants shall be sold, paid and retired not inconsistent with the provisions of this act. Said bonds and warrants shall be signed by the Governor and the Land Settlement Commissioner, and shall be attested by the Secretary of State. The total amounts of such bonds and warrants shall in no case exceed the sum of two million dollars (\$2,000,000.00).

Section 4. That Section 17, Chapter 315, of the Session Laws of 1919 be and the same is hereby amended to read as follows:

Section 17. No money shall be loaned nor property purchased under the provisions of this Act after July 1st, 1923.

Approved March 12, 1921.

State Board of Charities and Corrections

CHAPTER 367.

(S. B. 283)

RELATING TO SAID BOARD AND STATE PAROLE OFFICER.

AN ACT Entitled An Act Creating the Office of State Parole Officer and Defining His Powers and Duties and Fixing a Compensation, and Amending Section 5371 of the South Dakota Revised Code of 1919.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. The office of Parole officer is hereby created. He shall be appointed by the Governor and serve during the pleasure of the Governor. He shall qualify by filing the oath of office required by law for other state officers.

Section 2. It shall be the duty of the parole officer to assist the Governor, the Board of Charities and Corrections, the Warden of the Penitentiary and the courts in enforcing and carrying out the provisions of the parole, pardon, indeterminate and suspended sentence laws of this state.

Section 3. He shall be under the control of the Governor and shall perform such duties as the Governor may require. He shall receive an annual salary of two thousand dollars per annum, and shall be paid the actual necessary expenses incident to the performance of his duties.

Section 4. That Section 5371 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 5371. Board—Term of Office.] The charitable and penal institutions of the state, consisting of the state penitentiary, Yankton State Hospital, Watertown State Hospital, state school for the deaf, state school for the blind, state training school, state school and home for the feeble minded and the state sanitarium, shall be under the charge and control of the state board of charities and corrections, consisting of five members. Such board shall be appointed by the Governor, by and with the consent of the senate. The term of office of the members of the board shall be six years and until their successors shall be appointed and qualify. No officer of any of such institution shall be eligible to membership on such board.

Section 5. All Acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 10, 1921.

State Board of Finance

CHAPTER 368.

(S. B. 326)

RELATING TO ACTIVE DEPOSITARIES.

AN ACT Entitled, An Act to Amend Section 6877 of the South Dakota Revised Code of 1919, Relating to Active Depositaries of State Funds.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6877 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 6877. Active Depositaries.] The State Treasurer may designate any bank or banks in the State to act as active depositaries for the collection of drafts, checks, certificates of deposits or coupons that may be received by him on account of claims due the State, in which may be maintained active checking accounts; and in case of extraordinary receipts or demands, the State Treasury may deposit in any such active depositary up to the full amount of its capital stock and surplus, but shall never exceed that amount except with the express authority of the Board of Finance evidenced by a written resolution of said Board.

Approved March 12, 1921.

State Board of Health

CHAPTER 369.

(H. B. 238)

RELATING TO COMPENSATION OF BOARD.

AN ACT Entitled, An Act to Amend Section 7665 of the South Dakota Revised Code of 1919 Relating to Compensation of the Members of the State Board of Health.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 7665 of the South Dakota Revised Code of 1919 is hereby amended to read as follows:

Section 7665. Compensation.] The superintendent of such board shall devote his time and attention to the performance of his duties, and shall receive an annual salary of thirty-two hundred dollars (\$3,200.00) and his actual and necessary expenses. The other members of such board shall receive as their compensation the sum of five dollars per day while actually engaged in the performance of their duties, and in addition thereto the necessary traveling expenses.

Approved March 12, 1921.

CHAPTER 370.**(S. B. 221)****RELATING TO MEDICAL LICENSES FROM OTHER STATES.**

AN ACT Entitled, An Act to Amend Section 7708 of the South Dakota Revised Code of 1919, Relating to Reciprocity With Other States in the Matter of Medical Licensure.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 7708 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 7708. License From Other States.] Such board may, in its discretion, without examination, issue a license to any applicant holding a license which shall have been issued to the applicant by the examining board of the District of Columbia, or any state or territory of the United States, if the legal requirements of such examining board at the time of issuing such license or certificate shall be in no degree or particular less than those of this state at the time when such license is presented for registration; Provided, that this section shall apply only to certificates or licenses issued by such examining boards as accept and register licenses or certificates issued by the board of public health of this state. Each applicant upon making application under the provisions of this article shall pay to the superintendent of such board a license fee of fifty dollars.

Approved March 12, 1921.

CHAPTER 371.**(S. B. 294)****RELATING TO SHEPPARD-TOWNER MATERNITY AND INFANCY BILL.**

AN ACT Entitled, An Act Accepting the Provisions of an Act of the Congress of the United States, Known as the "Sheppard-Towner Maternity and Infancy Bill" for the Public Protection of Maternity and Infancy and Providing a Method of Cooperation Between the Government of the United States and the Several States; Creating a Division of Child Hygiene in the State Board of Health, Defining its Powers and Duties, Providing for the Custody and Disbursement of Funds Received Under the Federal Statute Above Referred to.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That the State of South Dakota, acting by and through its State legislature, does hereby accept the provisions of an act of the Congress of the United States, known as the "Sheppard-Towner Maternity and Infancy Bill" for the public protection of maternity and infancy and providing a method of co-operation between the government of the United States and the several states.

Section 2. That, for the purpose of carrying into effect the provisions of this Act, and of the Federal statute hereinbefore referred to, there is hereby created a Division of Child Hygiene, which shall be a division or department of the State Board of Health of this state; and

the State Board of Health is hereby empowered and directed, immediately upon the passage and approval of this Act, to appoint a Director of said Division of Child Hygiene, and such other officers and agents as may be deemed necessary in order to carry into effect the provisions of this Act. It shall be the duty of said Division of Child Hygiene, acting in conformity with the provisions of the Federal statute above referred to, to make or have made such studies, investigations and reports as will promote the efficient administration within this state of the said "Sheppard-Towner Maternity and Infancy Bill."

Section 3. That all moneys accruing to this State under the provisions of the Federal Statute hereinbefore mentioned shall be deposited in a separate fund by the State Treasurer, who shall be the Custodian thereof, and such funds shall be disbursed only upon warrants issued by the State Auditor upon vouchers or requisitions made by the Director of the Child Hygiene, approved by the Superintendent of the State Board of Health, provided that no authority shall be granted hereby if said Sheppard-Towner Maternity and Infancy Bill fails to pass in its present form.

Approved March 12, 1921.

CHAPTER 372.

(S. B. 284)

RELATING TO JURISDICTION IN UNORGANIZED COUNTIES.

AN ACT Entitled, An Act Relating to the Jurisdiction of the State Board of Health in Unorganized Counties, and Providing for the Creation of County Boards of Health Therein.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That the jurisdiction of the State Board of Health shall extend over all the unorganized counties within the state, and the board shall have the same authority therein with reference to quarantine and other health matters as any local board of health might have in organized territory. Upon the recommendation of the State Board of Health the Governor may appoint a county health officer or a county board of health in any unorganized county, which health officer or the board, subject to the supervising control of the State Board of Health, shall have the same power and authority as county boards of health and health officers in organized counties; and proper provision shall thereafter be made in the annual tax levy for the maintenance of such county health officer or board.

Section 2. Whereas, this Act is necessary for the immediate support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1921.

State Board of Pharmacy

CHAPTER 373.

(S. B. 223)

RELATING TO PHARMACIST'S LICENSE.

AN ACT Entitled, An Act to Amend Section 7738 of the South Dakota Revised Code of 1919, Relating to License Certificates as Pharmacists, and Qualifications of Applicants for Such License.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 7738 of the South Dakota Revised Code of 1919, be and the same is hereby amended to read as follows:

Section 7738. License Certificate—Applicant's Qualifications.] Any person of good moral character and temperate habits, not less than twenty-one years of age, who has three years experience in the practice of pharmacy, or who holds a diploma from a reputable school of pharmacy as shall be approved by the board, or who has a diploma from the pharmacy course of the South Dakota Agricultural College and who has, before or after graduation, practiced pharmacy for one year under a regularly licensed druggist in the State of South Dakota, in a drug store where physicians' prescriptions are compounded, or any person who has had one year's work in such pharmacy course and two year's work in an accredited drug store, and shall pass a satisfactory examination by the board of pharmacy, shall be entitled to a certificate of registration as a licentiate of pharmacy. The said board may in its discretion, grant certificates of registration to such persons as shall furnish with their application satisfactory proof that they have been registered by examination in some other state, Provided, that such other state shall require a degree of competency equal to that required of applicants in this state and said board may also in their discretion under such rules and regulations as may be made by them, issue to applicants for an examination temporary certificates which shall be valid only until the next regular meeting of the board.

Approved March 12, 1921.

State Budget Board

CHAPTER 374.

(S. B. 260)

RELATING TO STATE BUDGET BOARD.

AN ACT Entitled, An Act to Amend Sections 5103 and 5106 of the South Dakota Revised Code of 1919, as the Same Are Amended by Chapter 319, as the Same Are Amended by Chapter 319, Laws of 1919, Relating to the State Budget Board, its Membership, Compensation, Meetings, Investigations and Reports

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 5103 of the South Dakota Revised Code of 1919, as amended by Section 1 of Chapter 319, Laws of 1919, be and the same is hereby further amended to read as follows:

Section 5103. The Budget Board Created.] There shall be a State Budget Board which shall be composed of seven (7) members as follows: The governor elect, the chairman of the appropriations committee of the Senate of the preceding Legislature, the chairman of the appropriations committee of the House of Representatives of the preceding Legislature, one member from the Senate and one member from the House of Representatives at the last preceding Legislature, who have been re-elected to the succeeding Legislature, to be appointed by the Governor, after consultation with the governor-elect; the chairman of the Tax Commission, and the State Auditor. In case of inability of any such person, or persons, to serve on said Board, the vacancy, or vacancies, shall be filled by the governor; the person, or persons, so appointed, to be from a county, or counties having no state institutions. The governor elect shall be chairman of the Board. The State Auditor shall be its secretary whose duty it shall be to prepare a detailed exhibit of the Local and Endowment Funds of the institutions owned by the state, which exhibit shall be prepared between the 1st day of July, 1922, and the third Tuesday in November, 1922, and reported to the Budget Board at the Capitol, in Pierre, on the latter date. The secretary shall keep the minutes of the Board, and shall record them in a suitable book to be kept for that purpose. The minutes of the Board shall be open to inspection by the Legislature, or by the public, at all times subsequent to the submission of the budget to the Legislature, but they need not be published in the budget unless, in the wisdom of the Budget Board, some suitable purpose shall be served thereby. The members of the Board shall be paid their actual and necessary railroad and other transportation expenses while engaged in the performance of their duties; and in addition thereto such members, except the chairman of the Tax Commission, Governor, and the State Auditor, who shall receive actual expenses, shall receive an expense allowance of ten dollars (\$10.00) per day for each day of actual service, provided no member of the Board shall receive such per diem expense allowance for any day during the session of a Legislature of which he was a member.

Section 2. That Section 5106 of the South Dakota Revised Code of 1919, as amended by Section 1, Chapter 319, Laws of 1919, be and the same is hereby further amended to read as follows:

Section 5106. Board Prepares Estimate of General and Special Appropriations.] The State Budget Board shall meet on the third Tuesday of November, of each year next preceding the meeting of the Legislature at the State Capitol; and the Board shall hold a special meeting prior to each special session of the Legislature or in other cases of emergency, upon the order of the governor. The State Auditor shall submit to the Board the estimates required by the preceding section. The Board shall thereupon proceed to prepare estimates of the amounts required to be appropriated by the Legislature for conducting the business of the state during the two fiscal years next ensuing, or in the case of a special session, to prepare estimates of all financial requirements thereof. Before making such estimates, the Board shall examine all statements and requests for appropriations presented to it, and shall afford to the officers, boards and commissions presenting such statements, and making such requests, reasonable opportunity for explanation in regard thereto, and, whenever requested, shall grant to such officers, boards or commissions, a hearing thereon. All such hearings shall be open to the public. The Budget Board, or any member or members, thereof, may, if the Board deems it advisable, visit any department, institution, or undertaking for which an appropriation is requested, for the purpose of examination and investigation. The Board may also hold such public hearings as in its judgment shall be deemed advantageous for the purpose of preparing such estimates.

When such estimates have been prepared, they shall be transmitted to the Legislature not later than the fifteenth day of the session thereof, together with such recommendations, reasons and explanations with regard to such estimates as shall be deemed necessary by the Budget Board. The Budget Board shall, at the same time, transmit to the Legislature all statements, estimates, and requests, or copies thereof, filed with the State Auditor under the provisions of this article.

Approved March 11, 1921.

State Bonding Department

CHAPTER 375.

(H. B. 278)

RELATING TO THE BONDING OF PUBLIC OFFICERS AND EMPLOYEES.

AN ACT Entitled, An Act to Amend Sections 1, 4, 6, 7, 10, 12, and 13 of Chapter 318 of the Session Laws of South Dakota for the Year 1919, Relating to the Bonding of Officers, Deputies and Employees of the State and its Subdivisions Including Counties, Towns, Municipalities and School Districts.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 1 of Chapter 318 of the Session Laws of 1919 be and the same is hereby amended to read as follows:

Section 1. There is hereby created a state bonding department for the purpose of bonding officers and their deputies and the employees of the State and its sub-divisions, including counties, towns, municipal-

ities and school districts. The Commissioner of Insurance is hereby vested with full power and authority to issue official bonds to the officers, deputies and employees of the state and its sub-divisions, including counties, towns, municipalities and school districts, in the amounts required by law or by rule or regulation of any department, but no bond shall be issued under the provisions of this act in excess of twenty-five thousand dollars (\$25,000.00).

Section 2. That Section 4 of Chapter 318, Session Laws of 1919, be and the same is hereby amended to read as follows:

Section 4. The payment of the premiums thereon for all officers, deputies and employees of the State and of its sub-divisions, including counties, townships, municipalities and school districts, is hereby declared to be a governmental function and the premiums on all bonds shall be paid, as to state officers, deputies and employees, out of appropriations for the respective departments or institutions, and as to counties, townships, school districts and municipal corporations, out of funds derived from taxes levied in such governmental sub-divisions. The premiums on such bonds shall be at the rate of twenty-five (\$.25) cents for each hundred dollars or fractional part thereof, but in any event shall not be less than two dollars and fifty cents (\$2.50). All premiums shall be paid to the Commissioner of Insurance and by him deposited in the State Treasury and shall be credited to a fund to be known as the State Bonding Fund, and none of the moneys so derived shall revert into the State Treasury, but shall accumulate from year to year until the total balance in the fund shall be one hundred thousand (\$100,000.00) dollars or as much in excess thereof as may accumulate through the operation of this act in the fiscal year during which the total of one hundred dollars is reached. When said sum has accumulated in the State Bonding Fund, no further premiums shall be required, beginning in the fiscal year next following and continuing until the fund shall again fall below the sum of one hundred thousand dollars, when premiums shall again be collected at the rates herein provided. During those years when no premiums are collected, all other provisions of this act shall continue in full force and effect. It is the true intent and meaning of this act to create a State Bonding Department, which shall be self-supporting and that the moneys derived from premiums shall be applied in payment of the expenses of operating the department and in defraying any losses which may occur in connection with bonds issued.

Section 3. That Section 6 of Chapter 318 of the Session Laws of 1919, be and the same is hereby amended to read as follows:

Section 6. The Commissioner of Insurance is hereby designated and vested with full authority to act as agent and attorney for all officers, deputies and employees who are bonded under the provisions of this Chapter, upon whom service of process may be made in any action brought against any officer, deputy or employee bonded pursuant to the provisions of this act, and service upon the Commissioner of Insurance shall be deemed and held by all the courts of this state to be personal service upon such officer, deputy or employee, save and except that as a condition precedent to the service of process on the Commissioner of Insurance, there shall first be attached to the papers a certificate under the hand of the sheriff of the county, in which such officer, deputy or employee resides, showing that such sheriff is unable, after diligent search and inquiry, to make personal service of summons and complaint upon such bonded officer or employee within the county. Whenever any such process shall be served upon the Commissioner of

Insurance, he shall forthwith mail a copy thereof, postage prepaid, to the bonded officer, deputy or employee at his place of residence as designated in his official bond, and he shall keep a record of the service of such process showing the time of the service thereof.

Section 4. That Section 7 of Chapter 318 of the Session Laws of 1919, be and the same are hereby amended to read as follows:

Section 7. All bonds issued under the provisions of this act shall run in the name of the state, but shall inure to the use and benefit of the state or of any department or sub-division thereof, including counties, townships, municipalities and school districts, on whose behalf such bond is issued, or of any person or corporation damaged by the default, misfeasance, malfeasance, or nonfeasance of any such officer, deputy or employee, any provisions in any such bond to the contrary notwithstanding.

Section 5. That Section 10 of Chapter 318 of the Session Laws of 1919, be and the same is hereby amended to read as follows:

Section 10. Any officer, deputy or employee of the state or of any of its sub-divisions, including counties, townships, municipalities and school districts, shall be at liberty to furnish a personal or surety bond, but in such event the expense of procuring the bond shall be borne by such officer, deputy or employee.

Section 6. That Section 12 of Chapter 318 of the Session Laws of 1919 be and the same is hereby amended to read as follows:

Section 12. In the event of any default in the conditions of any bond or of any loss by the state or by any department or institution thereof or by any county, township, municipality, school district or other governmental sub-division, immediate notice thereof in writing shall be given to the Commissioner of Insurance, who shall immediately notify the Executive Accountant, and it shall be his duty to examine the accounts of the defaulting officer, deputy or employee and to make full disclosure to the Commissioner of Insurance of the results of such examination, and the Commissioner of Insurance shall thereupon make such adjustment and settlement with the injured party as may be equitable and just.

Section 7. That Section 13 of Chapter 318 of the Session Laws of 1919 be and the same is hereby amended to read as follows:

Section 13. In case any officer, deputy or employee shall apply for an official bond and the Commissioner of Insurance shall, upon investigation, conclude that the furnishing of a bond to such officer, deputy or employee would jeopardize the best interests of the state bonding department, he shall have the right and is hereby authorized and empowered to reject such application and, in the event of such rejection, the officer, deputy or employee shall be at liberty to furnish a surety bond; provided, however, that nothing contained in this act shall be construed as depriving any officer, deputy or employee of the state or any of its sub-divisions of the right to furnish a personal bond.

Approved March 12, 1921.

State Capitol

CHAPTER 376.

(S. B. 191)

RELATING TO ASSISTANT SUPERINTENDENT.

AN ACT Entitled, An Act to Amend Section 5320 of the South Dakota Revised Code of 1919, as Amended by Chapter 321 of the Session Laws of 1919, Relating to the Salary of the Assistant Superintendent of the State Capitol.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 5320 of the South Dakota Revised Code of 1919, as amended by Chapter 321 of the Session Laws of 1919 is hereby amended to read as follows:

Section 5320. Appointment of Assistant, Salary, Term and Duties.] The Superintendent of the Capitol shall have the power to appoint an Assistant Superintendent at a salary of Two thousand two hundred seventy (\$2,270.00) Dollars per annum, who shall be of good moral character and experienced in such work. The person so appointed shall hold such office during the pleasure of the Superintendent, and shall proceed to qualify by subscribing the usual oath of office, and by giving a bond to the state in the sum of Ten thousand dollars (\$10,000.00), conditioned for the faithful performance of the duties of the office, which shall be approved, filed and recorded as provided by law for State officers. The Assistant Superintendent shall be custodian of the Capitol and grounds and when acting for the Superintendent shall have equal power and authority, subject to the approval of the Superintendent, and he shall have general management and supervision over the Capitol and grounds and public property kept therein, and all engineers, carpenters, electricians, plumbers, mechanics, watchmen, policemen, elevator operators, guides, janitors and other laborers employed in and about the Capitol and ground.

Approved March 10, 1921.

State Cement Commission

CHAPTER 377.

(S. B. 54)

RELATING TO STATE CEMENT COMMISSION BONDS.

AN ACT to Amend Section 6 of Chapter 324, Session Laws of South Dakota for 1919, Relating to the State Cement Commission.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6 of Chapter 324, Session Laws of South Dakota for 1919, be and is hereby amended to read as follows:

Section 6. The said State Cement Commission is hereby authorized to borrow money and to issue and dispose of bonds to be used in the purchase of real estate and such buildings, structures and equipments as in its opinion it may require in connection with the business under its control, as well as for the leasing, purchasing, construction, equipment, management and operation of a cement plant or plants in this state under condition as follows, to wit:

(A) Such bonds shall be executed in the name and on behalf of the state by the chairman and secretary of such commission and shall in no case exceed the sum of two million dollars (\$2,000,000.00), and shall be issued in such denominations as the commission may determine and in any event not less than one hundred dollars (\$100.00), and shall bear interest at a rate not in excess of six per cent per annum payable annually or semi-annually.

(B) Said bonds shall be due and payable on a date, or dates, to be determined by the state cement commission and to be inserted in the bonds as part of the terms thereof, not more than twenty years from the date of issue, both principal and interest being payable at a place designated by the commission.

(C) The form of said bonds shall be such as prescribed by the commission and shall bear as an imprint across the face thereof the words "Internal Improvement Bonds of South Dakota," shall have affixed thereto the great seal of the state and before sale shall be registered in the office of the State Treasurer.

(D) Said bonds shall be negotiated by said commission in such manner as it shall deem expedient, provided however, that no bond shall be sold for less than its par value.

Section 2. Whereas, this Act is necessary for the immediate support of the state government and its existing public institutions an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved January 27, 1921.

State Constabulary

CHAPTER 378.

(H. B. 307)

RELATING TO STATE SHERIFF.

AN ACT Entitled, An Act to Amend Section 10227 of the South Dakota Revised Code of 1919 Relating to the Appointment, Qualification and Salary of the State Sheriff.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 10227 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 10227. State Sheriff, Appointment, Qualification, Salary.] The state sheriff, who shall be appointed by the governor and who

shall serve during the pleasure of the governor, shall be head of the state constabulary. He shall be a person skilled in the detection of crime and in the apprehension of criminals, and shall qualify by subscribing and filing the usual oath of office and by giving a bond in the penal sum of five thousand dollars, to be approved, recorded and filed as the official bonds of other state officers, conditioned for the faithful performance of his duties. He shall receive a salary of three thousand six hundred dollars per annum and his actual and necessary travelling expenses while engaged in the discharge of his official duties. He shall be furnished with office rooms in the capitol and shall have authority to make such expenditures for furniture, stationery and office supplies, and employ such office help as may be necessary.

Approved March 12, 1921.

CHAPTER 379.

(H. B. 366)

SUBMITTING TO A VOTE OF THE PEOPLE INITIATED MEASURE REPEALING CODE SECTIONS 10226 TO 10234 INCLUSIVE, RELATING TO STATE CONSTABULARY.

AN ACT Entitled, An Act Enacting and Submitting to a Vote of the Electors of the State a Proposed Law Repealing Sections 10226 to 10234 Inclusive of the South Dakota Revised Code of 1919, Relating to the State Sheriff.

Whereas under the provisions of Section 1 of Article 3 of the Constitution of the State of South Dakota and Sections 5067 to 5074 inclusive of the South Dakota Revised Code of 1919 a petition has been filed in the office of the Secretary of State, signed by more than five per centum of the qualified electors of the state in the manner and form therein directed, petitioning that the following proposed law be enacted and submitted to a vote of the electors of the state at the next general election, certified copies of said petition having been transmitted to the Senate and House of Representatives by the Secretary of State.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That the following Act be and the same is hereby enacted and submitted to a vote of the electors of the State at the next general election to be held in the year 1922, for their approval.

AN ACT ENTITLED, An Act to Repeal the Sections 10226 to 10234, both inclusive, of the South Dakota Revised Code of 1919. (The purpose of this Act is to abolish the office of State Sheriff, deputies and detective service that all laws may be enforced alike, without intrigue, by public sentiment, and County Sheriff and Constabulary and thereby reduce needless state expenses in the vain attempt to force morality by the police power.

BE IT ENACTED BY THE PEOPLE OF SOUTH DAKOTA:

Section 1. That Sections 10226 to 10234, both inclusive, of the South Dakota Revised Code of 1919 be and are hereby repealed.

Approved March 12, 1921.

State Engineer

CHAPTER 380.

(S. B. 307)

RELATING TO DEPUTY, HEATING ENGINEER, ASSISTANTS.

AN ACT Entitled, An Act to Amend Section 8184 of the South Dakota Revised Code of 1919, as Amended by Chapter 86 of the Special Session Laws of 1919 and 1920, all Relating to the State Engineer; and Changing the Salary of the Heating Engineer.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 8184 of the South Dakota Revised Code of 1919, as amended by Chapter 86 of the Special Session Laws of 1919 and 1920, be and it is hereby amended to read as follows:

Section 8184. Deputy, Heating Engineer, Assistants.] The State Engineer may appoint a deputy, a heating engineer and not to exceed five assistants, and purchase all materials and supplies for the proper conduct of his office, except such supplies as are under the supervision of the commissioner of public printing and the superintendent of the Capitol. The deputy state engineer shall have all the authority of the state engineer. The deputy state engineer shall receive a salary of not more than twenty-five hundred dollars per annum. The heating engineer shall receive a salary of not more than thirty hundred dollars per annum.

Approved March 14, 1921.

State Funds

CHAPTER 381.

(S. B. 72)

TRANSFER, PUBLIC PRINTING FUND.

AN ACT Entitled, An Act to Transfer the Unexpended Appropriations Made by Chapter 55 Laws of 1917 and Chapter 37 Laws of 1919 to the Public Printing Fund for the Fiscal Years of 1921 and 1922.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Whereas, there are unexpended balances in the Appropriations made by Chapter 55 Laws of 1917 and Chapter 37 Laws of 1919, the amount of which cannot be determined until all the work for which such appropriations were made has been completed; Now, therefore upon notification by the Commissioner of Public Printing that all bills under the said appropriations have been paid, the State Auditor and State Treasurer shall transfer upon their books the unexpended balances of such appropriations to the Public Printing Fund for the fiscal years of 1921 and 1922.

Approved February 19, 1921.

CHAPTER 382.

(S. B. 121)

RELATING TO STATE FUNDS.

AN ACT Entitled, An Act to Amend Sections 6934, 6936, 6938 and 6939 and to Repeal Sections 6935 and 6937 of the South Dakota Revised Code of 1919, Relating to State Funds.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Section 6934 of the South Dakota Revised Code of 1919 is hereby amended to read as follows:

Section 6934. State Auditor To Keep Account With Each County.] The State Auditor shall keep an account with each organized county, in which he shall charge each county with all sums due the state and credit it with all sums paid into the state treasury. All amounts charged shall be reported to the several counties monthly.

Section 2. Section 6935 of the South Dakota Revised Code of 1919 is hereby repealed.

Section 3. Section 6936 of the South Dakota Revised Code of 1919 is hereby amended to read as follows:

Section 6936. County Treasurer to Furnish Monthly Report.] Each County Treasurer shall furnish to the state auditor and to the state treasurer a monthly report, executed in duplicate, attested by the county auditor, and showing the total state taxes, collected with penalty and interest for each year separately, the amount of refunds paid for what years, also all fees, license and special taxes collected, and the total net amount due the state. Such reports shall be mailed to the state auditor and the state treasurer respectively within 15 days after the expiration of each calendar month. They shall be made on blanks to be prepared and furnished by the state auditor.

Each such report shall contain a statement to the effect that it is a full, true and complete report of all moneys paid into the county treasury and which is due or payable into the state treasury. Copies of such reports shall be filed in the office of the county treasurer and of the county auditor.

Section 4. Section 6937 of the South Dakota Revised Code of 1919 is hereby repealed.

Section 5. Section 6938 of the South Dakota Revised Code of 1919 is hereby amended to read as follows:

Section 6938. Remittance by County Treasurer.] The County treasurer shall forward to the state treasurer a remittance of the sum of money due the state as shown by each monthly report. This remittance shall be mailed at the same time that the report is mailed to the state treasurer, as provided in section 6936, as amended by this act. As soon as the remittance is received by the state treasurer, he shall issue duplicate receipts therefor, one to be delivered to the state auditor and the other to the treasurer of the county from which the remittance was received.

Section 6. Section 6939 of the South Dakota Revised Code of 1919 is hereby amended to read as follows:

Section 6939. All remittances not mailed by the county treasurer within the time provided by this act shall bear interest at the rate of six per cent per annum, from the first day of the month on which such remittance became due, and such interest shall be paid by separate warrant of the county auditor on the county general fund and the

proceeds thereof shall be placed to the credit of the general fund of the state.

Section 7. Whereas, this act is necessary for the support of the state government and its existing institutions, an emergency is hereby declared to exist and this act shall be in force and effect from and after its passage and approval.

Approved February 25, 1921.

CHAPTER 383.

(S. B. 229)

TRANSFER OF STATE FUNDS.

AN ACT Entitled, An Act Transferring Moneys Appropriated for the General Fund of the Adjutant General to a Fund for Procuring and Erecting Buildings for Storage.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. The sum of twenty thousand dollars (\$20,000.00) appropriated by chapter 15 of the session laws of 1919 for the general fund of the Adjutant General is hereby transferred, set aside and appropriated for a fund to purchase and erect steel, fire proof buildings to be used for storing motor equipment, artillery material and equipment and the supplies of the State Quarter Master.

Section 2. Such moneys shall be paid out on itemized vouchers approved by the Adjutant General and the Governor, and shall be available at any time during the present or succeeding fiscal year. Any unexpended portion shall be available for the general fund of the Adjutant General.

Approved March 8, 1921.

State Government

CHAPTER 384.

(S. B. 52)

PROVIDING FOR AN EFFICIENCY SURVEY OF THE STATE GOVERNMENT.

AN ACT Relating to the Employment of Efficiency Experts and Prescribing Their Duties and Powers.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. The Governor is authorized and empowered to appoint, to contract with and to employ upon such terms and conditions as he shall deem most prudent, competent, experienced efficiency experts, who under his direction and supervision shall make a detailed and

thorough-going survey and examination of the methods and practices pursued in exercising their governmental powers and in performing their public duties, and in the handling and expending of public money, by all public institutions, departments, boards, commissions, officers and employees of this state. It shall be the duty of every elected and appointed state officer and every employee of the State Government to assist, co-operate with and to furnish all information required by such efficiency experts in making such survey and examination. The efficiency experts so employed shall prepare and submit to the Governor on or before the 1st day of November, 1922, a complete and comprehensive report of their examinations and investigations of the workings of the State Government, and shall include in such report statements of their findings and of their recommendations for such changes or improvements as will, in their judgment, result in greater economy and efficiency in the methods and practices by which the business of the government of the state is being or may be transacted.

Approved January 29, 1921.

State Highway Commission

CHAPTER 385.

(S. B. 55)

RELATING TO STATE HIGHWAY BONDS.

AN ACT to Amend Section 1 Chapter 334 Session Laws of South Dakota for the Year 1919 Relating to Highway Bonds.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 1 of Chapter 334 Session Laws of South Dakota for 1919 be and is hereby amended to read as follows:

Section 1. The State Highway Commission is hereby authorized to issue bonds payable by the State of South Dakota to an amount not exceeding \$6,000,000.00 including amount heretofore issued, for the purposes of constructing a system of state highways, for state aid in highway construction and to meet the requirements of federal aid, and bonds hereafter issued under the provisions of Chapter 334 Session Laws of 1919 as amended by this act shall bear interest at the rate not to exceed six per cent per annum and are to be issued in serial order, and payable within ten years after the date of the final passage of this amendatory act, and to be issued and sold at such times and in such denominations and amounts (within the limitations hereinbefore prescribed) as in the discretion of the State Highway Commission may be necessary for the purposes of this act, with the end in view of providing funds for continuous road construction. All such bonds shall designate on their face the purpose for which the same are issued and shall be signed by the Governor and attested by the Secretary of State and shall bind the State of South Dakota according to the terms thereof.

Section 2. Whereas, this Act is necessary for the immediate support of the state government and its existing institutions, an emergency is hereby declared to exist, and this act shall be in full force and effect from and after its passage and approval.

Approved January 27, 1921.

CHAPTER 386.**(H. B. 118)****RELATING TO COUNTY BRIDGES.**

AN ACT Entitled, An Act to Amend Section 31 of Chapter 333, Session Laws of 1919, Relating to Highway Commissions.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 31 of Chapter 333 of the Session Laws of 1919 is hereby amended to read as follows:

Section 31. After determining the necessity for any and all bridges required by any county in the state, it shall be the duty of the Board of County Commissioners of such county to advise the County Highway Superintendent of such determination, who, when deemed necessary, shall make a survey of such bridge sites. Such survey shall consist of a profile of the proposed site, approximate location in regard to the nearest section corner, soundings for the location of footings and an estimate of the available watershed. Such profile, location, soundings and estimated water-shed shall then be forwarded to the Highway Commission together with a request for plans and specifications for such bridge or abutments, piers or other related piece of work. Such plans and specifications shall be forwarded to the proper county auditor who shall place the same on file in his office. Upon receipt of such plans and specifications, it shall be the duty of the County Highway Superintendent to make and file a detailed estimate of cost of the bridge, abutment, pier or other work contemplated by such plans, and file such estimate of cost with the county auditor.

Approved March 12, 1921.

CHAPTER 387.**(S. B. 296)****RELATING TO STATE HIGHWAY COMMISSION.**

AN ACT Entitled, An Act to Amend Section 2 of Chapter 333 and Also Section 6 of Chapter 333, of the Session Laws of 1919, Relating to the State Highway Commission.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 2 of Chapter 333 of the Session Laws of 1919 of the State of South Dakota be and the same is hereby amended to read as follows:

Section 2. There is hereby created a State Highway Commission which shall consist of four members, as follows: The Governor, who shall be ex-officio chairman, and three other members to be appointed by the governor who shall be known as the Highway Commissioners and who shall be appointed for a term of four years; provided, however, that no person shall be eligible who is not a competent authority on road building. Said Highway Commissioners may be removed from office by the governor at his discretion. They shall devote their

entire time to the duties of their office and shall receive an annual salary not to exceed \$3,600.00 per annum. Said Highway Commissioners shall take the oath prescribed for state officers and shall give bond to the state in the sum of \$10,000 conditioned upon the faithful discharge of the duties required by law.

Section 2. That Section 6 of Chapter 333 of the Session Laws of 1919 of the State of South Dakota be and the same is hereby amended to read as follows:

Section 6. The State Highway Commission shall appoint a Chief Engineer who shall be a graduate civil engineer and shall be known as the State Highway Engineer; also the said Highway Commission shall appoint a suitable number of technical assistants and such other assistants as the Commission may from time to time require, and shall fix their compensation. It shall be the duty of the State Highway Engineer and all other assistants to give advice, assistance, and supervision with regard to road and bridge construction and improvements throughout the state as required by the Highway Commission.

Approved March 11, 1921.

CHAPTER 388.

(H. B. 170)

RELATING TO COUNTY HIGHWAY SUPERINTENDENT.

AN ACT Entitled, An Act to Amend Section 15 of Chapter 333 of the Session Laws of 1919 as Amended by Chapter 89 of the Special Session Laws of 1920, Relating to Appointment of County Superintendents of Highways.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 15 of Chapter 333 of the Session Laws of 1919 as amended by Chapter 89 of the Special Session Laws of 1920 be and the same is hereby amended to read as follows:

Section 15. The Board of County Commissioners shall within ninety days after the passage of this Act, employ a County Highway Superintendent at a compensation not less than \$1200.00 per annum and all expenses actually and necessarily incurred in the performance of his duties to be paid out of the general funds of the county, as may be fixed by the Board of County Commissioners, provided that the County Highway Superintendent shall not hold any other public office, within the county, or receive any compensation, salary or fees from any public source while acting in said capacity, and that no appointment of county Highway Superintendent shall be valid before approved by the Highway Commission provided that no member of the Board of County Commissioners shall be appointed as County Highway Superintendent. The term of office of the County Highway Superintendent shall be for two years. The term of office of County Highway Superintendents appointed for the year 1919 and 1920 and any County Highway Superintendent holding office to fill such vacancy for said term shall expire on March 1st, 1921, or as soon thereafter as the Board of County Commissioners hold a regular or special meeting. The next term of office of County Highway Superintendent shall be from the time of such appointment and approval to January 1st, 1923, and each term of office thereafter shall expire on January 1st of each odd numbered year.

The County Highway Superintendent shall have charge of all road construction and maintenance in the county, subject to the approval of the Board of County Commissioners. In case of a disagreement between the County Superintendent of Highways and the Board of County Commissioners an appeal may be taken to the Highway Commission whose decision shall be final.

The County Highway Superintendent shall be provided with a suitable office by the county and shall file a bond to the County for the faithful performance of his duties in a sum not than two thousand dollars (\$2,000.00) nor more than five thousand dollars (\$5,000.00) to be fixed by resolution by the Board of County Commissioners. The tenure of office of any County Highway Superintendent may be terminated at any time by a resolution of the Board of County Commissioners stating their reasons or by the Highway Commission for incompetency or inefficiency.

Section 2. Whereas, this Act is necessary for the support of the State and its existing institutions, an emergency is hereby declared to exist, and this Act shall be in force and effect after its passage and approval.

Approved March 4, 1921.

CHAPTER 389.

(S. B. 311)

RELATING TO SALARIES AND EXPENSES.

AN ACT Entitled, An Act to Amend Section 5, Chapter 333 Laws of 1919 as Amended by Section 5, Chapter 89, Laws of Special Session 1920, Relating to State Highway Commission.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 5, Chapter 333, Laws of 1919 as Amended by Section 5, Chapter 89, Laws of Special Session 1920 is hereby amended to read as follows: The salary and expenses of the Highway Commission, Engineer, deputies, assistants and employees, their necessary expenses, and the expense of maintaining the office of the Highway Commission shall be paid by the state treasurer from the state highway fund after the same have been duly audited by the state auditor; provided, however, that the amount which may be so expended in any one year shall not exceed ten per cent of all highway funds available for such year, and so much of said state highway funds as is necessary for said purposes not exceeding said limitation is hereby annually appropriated from said state highway funds for said purpose.

Approved March 12, 1921.

State Historical Society

CHAPTER 390.

(H. B. 197)

RELATING TO THE OFFICE OF SECRETARY.

AN ACT Entitled, An Act to Amend Section 9884 of the Revised Code of 1919, Pertaining to the Duties and Compensation of the Secretary of the State Historical Society.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That section 9884 of the Revised Code of 1919 is hereby amended to read as follows:

Section 9884. The secretary of state historical society shall by virtue of his office be superintendent of the department of history; state librarian; director of the state census, and shall perform all other duties provided by law. He shall give a bond to the state in the sum of five thousand dollars, through the state bonding department. He shall receive an annual salary of three thousand dollars which shall be in full compensation for all services rendered by him to the state.

Approved March 11, 1921.

State Industrial School for Girls

CHAPTER 391.

(S. B. 89)

RELATING TO STATE INDUSTRIAL SCHOOL FOR GIRLS.

AN ACT Entitled, An Act Amending Section 5509 of the South Dakota Revised Code of 1919; Providing for the Establishment, Conduct and Maintenance of the State Industrial School for Girls, Appropriating Money for that Purpose, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 5509 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 5509. Name, Location. Control.] The reformatory institution maintained by the state at or in the vicinity of Plankinton, in Aurora County, known and designated by the name of "State Training School" shall continue to exist as an institution for the reformation of boys under the age of eighteen years, and shall be under the charge and control of the State Board of Charities and Corrections. There is hereby created a separate institution for the reformation of girls under the age of eighteen years, to be known and designated as the "State

Laws—34.

Industrial School for Girls," to which institution, as soon as the same shall be located and established, shall be committed all girls who would otherwise be committed to the State Training School, and wherever the words "State Training School" or "Training School" are used in Article 9, Chapter 1, Part 5, Title 6 of this Code in connection with delinquent girls, such terms shall be held and construed as referring to the State Industrial School for Girls; and all provisions of the Article last above mentioned, with reference to the control and management of the State Training School, the commitment of persons thereto and their custody and control therein, shall as far as the same are applicable, relate to and govern the management of the State Industrial School for Girls.

Section 2. Within 30 days from the date on which this Act becomes effective the Board of Charities and Corrections shall designate two of its members, and the Women's Committee of Investigations shall designate one member of that body, which three persons shall constitute a committee whose duty it shall be to make an investigation for the purpose of selecting a location for the State Industrial School for Girls. The necessary expenses of the several members of said committee in making such investigation shall be paid from the available funds of the respective Boards to which such persons belong. Said committee shall be authorized to make tentative or optional agreements for the leasing or purchase of such property as they may select, and they shall, on or before the first day of July, 1921, render a report of their investigation, stating their conclusions and recommendations to the State Board of Charities and Corrections. Thereupon the Board of Charities and Corrections shall proceed, in their discretion, to select either a temporary or a permanent location for the Industrial School for Girls, upon the approval of the Governor, and the Board may acquire by purchase, lease or otherwise, a suitable tract or parcel of land comprising not less than eighty (80) acres, and may erect, purchase or lease such buildings as may, in the judgment of the Board, be necessary for the use of the Industrial School; such property to be paid for out of the funds here after appropriated, upon warrants of the State Auditor duly issued upon vouchers of the State Board of Charities and Corrections.

Section 3. As soon as the said Industrial School shall have been established and equipped, all girls who are then inmates of the State Training School shall be transferred to the Industrial School, and thereafter all girls who would otherwise be committed to the State Training School, under the provisions of Article 9, Chapter 1, Part 5, Title 6 of the Revised Code of 1919, shall be committed to the Industrial School for Girls.

Section 4. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of twenty five thousand dollars (\$25,000.00) or so much thereof as may be necessary for the purchase, lease or acquiring of real property necessary for a site for said Industrial School. Said sum to be expended upon warrants of the State Auditor duly issued upon vouchers of the State Board of Charities and Corrections.

Section 5. Whereas, This Act is necessary for the immediate preservation of the public health, peace and safety and for the support of the the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1921.

State Live Stock Sanitary Board

CHAPTER 392.

(S. B. 312)

RELATING TO DIPPING-VATS.

AN ACT Entitled, An Act to Amend Sections 8122, 8123 and 8125 of the South Dakota Revised Code of 1919, Relating to Dipping-Vats.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 8122 of the South Dakota Revised Code of 1919 be and the same is amended to read as follows:

Section 8122. Petition, Location, Construction, Leasing.] Upon petition of a majority of freeholders who are live stock owners, residing in any group of congressional townships approximately twelve miles square, requesting that a county dipping-vat be constructed in such group of townships for the dipping of live stock affected with scabies or mange, it shall be the duty of the board of County Commissioners of the county in which such group of townships is located to purchase or lease a site and construct in accordance with plans and specifications approved by the State Live Stock Sanitary Board, and such vat shall be so located as to be readily accessible to all of the live stock owners in the townships named in the petition; and the Board of County Commissioners may, in its discretion, purchase such other sites and construct such other dipping-vats as it may deem necessary for the protection of the live stock interests of the county. The Board of County Commissioners shall advertise for bids for the construction of such vats, and shall contract for their construction with the lowest and best responsible bidder, provided that in case of immediate necessity, if no bids are received, the same may be constructed by day labor. The Board of County Commissioners may lease such vats to live stock associations within the county or to any group of live stock owners, and the terms of such lease shall be based upon a fee per head for dipping. Such associations or group of live stock owners shall be required to furnish bond in the penal sum of Five Hundred (\$500.00) Dollars, with good and sufficient sureties to be approved by the Board of County Commissioners and shall be conditioned for the payment of any damages to the vat occasioned by negligent or careless use. The Board of County Commissioners may purchase dip in such quantities as may be necessary to meet the needs of the county, and may sell such dip to live stock owners of the county at cost plus the expense of handling the same.

Section 2. That Section 8123 of the South Dakota Revised Code of 1919 be and the same is amended to read as follows:

Section 8123. Inspector.] The Board of County Commissioners shall appoint a dipping-vat inspector for each county dipping-vat, who shall select dates and arrange for dipping with a view to the convenience of all the live stock owners of the vicinity, and shall give due notice of such dates; he shall keep proper dip prepared at the right strength and temperature and see that the dipping is properly done; and shall make out duplicate certificates, on forms furnished by the

State Live Stock Sanitary Board, of all live stock which has been dipped, and shall deliver one of such certificates to the owner and forward the other to the state Live Stock Sanitary Board. The compensation of such inspectors shall be fixed by the Board of County Commissioners at not more than Seven (\$7.00) Dollars per day while actually and necessarily employed in the performance of his duties. Before entering upon the discharge of his duties, each of such inspectors shall furnish a bond in the penal sum of One Thousand (\$1,000.00) Dollars, with good and sufficient sureties to be approved by the Board of County Commissioners and conditioned for the faithful performance of his duties and for the proper accounting of fees for all dipping done under his supervision and direction. The cost of the premium on any surety bond furnished by such inspector shall be a proper charge against the county.

Section 3. That Section 8125 of the South Dakota Revised Code of 1919 be and the same is amended to read as follows:

Section 8125. Fee for Dipping. Lien on Animals.] The Board of County Commissioners shall fix by resolution a reasonable fee for dipping, which shall be sufficient to reimburse the county for the salary of the inspector, cost of materials and chemicals used in the operation of such stations, the ordinary depreciation and repairs on the vats, and the cost of building and constructing the vats during the estimated existence thereof; such fee shall be collected at the time of dipping and the inspector may hold any live stock so dipped until the fees for dipping shall have been paid. The fee for dipping such animals shall be charged against the owner, agent or person in charge of such animals, and, together with the cost of seizure and expense of holding thereof, become a lien upon such animals and shall have priority over all other liens and incumbrances upon such property, and if not paid within five (5) days from the dipping of such animals, the same shall be foreclosed by the Sheriff of such county, and the said lien may be foreclosed by a sale of the property embraced in said lien upon the notices and in the same manner provided by law for the foreclosure of chattel mortgages; provided, however, that the owner, agent or person in charge of such animals so seized and held may at any time prior to such sale recover possession of the same upon payment to the sheriff of the amount of the dipping fees and the costs incurred. All fees collected under this article, within ten days after the collection of the same, shall be paid into the county treasury to the credit of the general fund, and the inspector shall file with the County Treasurer a sworn itemized statement showing by whom the fees were paid and any other information required by the Board of County Commissioners.

Approved March 12, 1921.

CHAPTER 393.

(H. B. 306)

RELATING TO STATE LIVE STOCK SANITARY BOARD.

AN ACT Entitled, An Act to Amend Section 8060 of the Revised Code of 1919 Relating to Salaries of Superintendent and Secretary of the State Livestock Sanitary Board.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 8060 of the Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 8060. Official Bonds, Secretary, Office, Compensation, Expenses.] Before entering upon the discharge of his duties, each member of such board shall take the constitutional oath of office, and execute a bond to the state, with sufficient security, to be approved, recorded and filed as the official bonds of other state officers, the premium of which shall be paid by the state upon compliance with the provisions of section 7040. The amount of the superintendent's bond shall be ten thousand dollars, the amount of the secretary's six thousand dollars and the amount of each other member's one thousand dollars. Such board shall designate and appoint one of its members other than the superintendent as secretary, and shall maintain its office at the state capitol, where the superintendent and secretary shall be in constant attendance unless absent on official business. The superintendent shall receive a salary of three thousand dollars per annum, the secretary two thousand five hundred dollars per annum and each of the other members shall receive five dollars per day for each day actually and necessarily devoted to the duties of his office, and each member shall be reimbursed by the state for all actual and necessary expenses incurred in the discharge of his official duties; such compensation and expenses to be paid on properly itemized vouchers approved by the superintendent and secretary.

Approved March 12, 1921.

CHAPTER 394.

(H. B. 50)

AUTHORIZING PAYMENT OF CERTAIN CLAIMS AGAINST TUBERCULOSIS INDEMNITY LAW.

AN ACT Entitled, An Act Authorizing the Allowance and Payment from the Tuberculosis Indemnity Fund for the Current Year of Certain Claims Due to George Bird, Charles S. Blackman and L. E. Brickell, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Persons hereinafter named having become entitled to the payment of the amounts set opposite their respective names from the Tuberculosis indemnity fund of the State Livestock Sanitary Board, and said claims not having been paid from the appropriation for the fiscal year ending June 30th, 1920 because of the fact that through inadvert-

ance said claims were not properly itemized, certified and verified before the expiration of said fiscal year; Now therefore the State Auditor is hereby authorized and empowered to issue warrants to the following named persons respectively against the Tuberculosis indemnity fund for the fiscal year ending June 30th, 1921 in the amounts set opposite their names upon the presentation of properly itemized vouchers for said claims,

George Bird, Willow Lakes,.....	\$16.48
Chas. S. Blackman, Clark,.....	22.92
L. E. Brickell, Watertown,.....	110.40

Section 2. Whereas, this Act is necessary for the immediate support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved January 31, 1921.

State Penitentiary

CHAPTER 395.

(S. B. 347)

RELATING TO ADJUSTMENT OF CLAIMS ON ACCOUNT OF DEFECTIVE TWINE.

AN ACT Entitled, An Act Relating to the Twine Plant at the State Penitentiary, and Authorizing the Board of Charities and Corrections and Warden to Adjust Claims for Damages, Defects or Shortages in Twine Sold.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. The Board of Charities and Corrections and the Warden of the State Penitentiary are hereby authorized and empowered to adjust claims for shortages in twine and for damaged or defective twine sold from the state twine plant in the penitentiary at Sioux Falls, in accordance with the report of the Joint Committee of the Legislature for the Investigation of the State Penitentiary, such claims to be adjusted by furnishing twine from the state twine plant upon the basis stated in said report and as soon as the amount of any such claims can be ascertained.

Section 2. Whereas this act is necessary for the support of the state government and its existing institutions, an emergency is hereby declared to exist, and this act shall be in full force and effect immediately upon its passage and approval.

Approved March 10, 1921.

State Sheriff

CHAPTER 396.

(H. B. 165)

PROVIDING FOR AN OFFICIAL SEAL.

AN ACT Entitled, An Act to Provide an Official Seal for the State Sheriff's Office.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. The State Sheriff shall have an official seal upon which shall be engraved the words, "State Sheriff of the State of South Dakota," with his surname at length and at least the initials of his Christian name.

Section 2. Whereas there is now no law governing the subject matter of this act, and this act is necessary for the immediate preservation of the public peace, health and safety, an emergency is hereby declared and this act shall be in force and effect immediately upon its passage and approval.

Approved February 16, 1921.

State Warrants

CHAPTER 397.

(S. B. 2)

RELATING TO STATE REVENUE WARRANTS.

AN ACT to Amend Section 6971 of the South Dakota Revised Code of 1919, Relating to State Revenue Warrants, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6971 of the South Dakota Revised Code of 1919, be and the same is hereby amended to read as follows:

Section 6971. State Revenue Warrants.] To protect the public credit and enable the State to provide for current expenses, the State Treasurer, with the advice and consent of the Governor and Auditor, is authorized and directed, whenever he finds it necessary to do so in order to provide for the actual necessary current expenses of conducting the public business of the State, to issue warrants based upon the revenues of the State already assessed for the current and preceding years but not yet collected, and in amount never exceeding the amount of such revenues so assessed and not yet collected, and for the purpose only of providing for the immediate and necessary current expenses of the State as aforesaid. Such warrants shall be sold at not less than

par and at the lowest possible rate of interest, payable annually or semi-annually. All money received from the negotiation of such revenue warrants shall be applied only to the payment of the necessary and actual current expenses of the State and outstanding registered State warrants. And all money thereafter received or collected from or on account of such revenues assessed but not yet collected, or so much thereof as may be necessary, is set apart and appropriated to the payment of such warrants, if any, as may be issued in pursuance of the foregoing provisions; and the State Treasurer is authorized and required to make payment of the same from funds so appropriated. And the Treasurer of the State is authorized, in his discretion, based upon estimates as to when uncollected revenues already assessed will be paid, to determine and express upon the face of the warrants so issued the date when such warrants and the interest thereon shall become due and payable; and may also provide in such warrants where such interest shall be payable and whether annually or semi-annually: Provided, this section shall not be so construed as to in any way authorize the increase of the public debt.

Section 2. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved January 11, 1921.

State's Attorney

CHAPTER 398.

(H. B. 81)

RELATING TO DEPUTIES AND SPECIAL AGENTS.

AN ACT Entitled, An Act to Amend Section 6005 of the South Dakota Revised Code of 1919, Relating to States Attorneys and Their Deputies, Assistants and Employees, Authorizing County Commissioners to Offer Rewards for the Apprehension of Criminals and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 6005 of the South Dakota Revised Code of 1919, be and the same is hereby amended to read as follows:

Section 6005. Deputies and Special Agents—Rewards.] The states attorney may appoint a deputy, who shall be duly licensed attorney and counselor at law, having the qualifications required of States Attorneys. During such deputyship the person so appointed shall be vested with all the powers of the states attorney; the board of county commissioners may in its discretion allow such additional compensation for the deputy as it shall deem proper.

The county commissioners may, in their discretion, by a resolution duly entered upon their minutes, authorize the states attorney to employ one or more special agents, either continuously or temporarily, whose duty it shall be to assist the states attorney in the investigation of

crimes, and who shall be under the exclusive control and direction of the states attorney, and when so acting such agent shall have the same power and authority now granted by law to peace officers. Such special investigators shall receive for their services not to exceed Ten (\$10.00) Dollars per day, for each day actually employed in making such investigations, which per diem shall be paid by the county upon the presentation of itemized vouchers approved by the states attorney. The states attorney and his deputy and special agents shall each be entitled to receive from the county their necessary traveling and hotel expenses, including necessary telephone and telegraph bills while traveling for the purpose of making such investigations, either within or without the state, to be paid upon the presentation of duly itemized vouchers approved by the states attorney. Where the states attorney or his deputy or special agent shall use his own automobile or conveyance, he shall be entitled to receive the sum of Twenty (20c) cents per mile for each mile so necessarily traveled, in lieu of all actual and necessary expenses.

Section 2. Whereas, this Act is necessary for the preservation of the public peace, health and safety, an Emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved February 17, 1921.

Sunday

CHAPTER 399.

(H. B. 363)

SUBMITTING INITIATED MEASURE REPEALING CODE SECTION 3853 TO A VOTE OF THE PEOPLE.

AN ACT Entitled, An Act Enacting and Submitting to a Vote of the Electors of the State a Proposed Law Repealing Section 3853 of the Revised Code of 1919 Relating to Theatrical and Other Performances on Sunday.

Whereas under the provisions of section one of article 3 of the Constitution of the State of South Dakota and Sections 5067 to 5074 inclusive of the South Dakota Revised Code of 1919 a petition has been filed in the office of the Secretary of State, signed by more than five per centum of the qualified electors of the state in the manner and form therein directed, petitioning that the following proposed law be enacted and submitted to a vote of the electors of the state at the next general election, certified copies of said petition having been transmitted to the senate and house of representatives by the Secretary of State.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That the following act be and the same is hereby enacted and submitted to the vote of the electors of the state at the next general election to be held in the year 1922, for their approval.

An Act to Repeal Section 3853 of the Revised Code of 1919 of South Dakota.

BE IT ENACTED BY THE PEOPLE OF SOUTH DAKOTA:

Section 1. That Section 3853 of the Revised Code of 1919 of the State of South Dakota be and is hereby repealed.

Approved March 12, 1921.

Supreme Court

CHAPTER 400.

(H. B. 17)

RELATING TO EXPENSE OF JUDGES.

AN ACT Entitled, An Act to Amend Section 5131 of the Revised Code of 1919, Relating to Expenses of Supreme Court Judges.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 5131 of the Revised Code of 1919, of the State of South Dakota, be and the same hereby is amended to read as follows:

Section 1. Expenses.] Whenever a Judge of the Supreme Court whose legal residence shall be at some place other than the State Capital, shall have changed his place of actual residence to the capital, there shall be paid to such judge, in consideration of expenses incident to removal to the capital, the increased expenses of living at a place other than his legal residence, and the expenses of traveling to and from such legal residence, the fixed sum of one hundred and fifty dollars for each month, payable upon the certified voucher of such judge filed in the office of the State Auditor.

Note By the Secretary of State: The foregoing act, having been presented to the Governor of this state for his approval, and not having been returned by him to the house of the legislature in which it originated, or to the Secretary of State with his objections, within the time prescribed by the Constitution, has become a law without his approval.

C. A. BURKHART.
Secretary of State.

Supreme Court Reports

CHAPTER 401.

(H. B. 342)

RELATING TO SELLING PRICE OF SUPREME COURT REPORTS.

AN ACT Entitled, An Act Fixing the Price at Which Publishers May Sell South Dakota Supreme Court Reports to Parties Other Than the State of South Dakota.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Provided that this act shall not affect any contract entered into by the Secretary of State for the publication of Supreme Court Reports subsequent to the termination of the present contract in

the year 1922. Nor shall it affect the contract price which the state shall pay the publisher for the volumes purchased for its use or that of its several departments.

Section 2. The State Publishing Company is authorized to sell all such South Dakota Supreme Court Reports at the price of \$3.25 per volume to parties other than the state of South Dakota.

Section 3. Whereas this act is necessary for the preservation of the state government and all its institutions an emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1921.

Telegraphs and Telephones

CHAPTER 402.

(S. B. 75)

RELATING TO CONSOLIDATION OF TELEGRAPH AND TELEPHONE LINES.

AN ACT Entitled, An Act Amending Section 9790 of the Revised Code of 1919 of the State of South Dakota. Relating to the Consolidation of Telegraph and Telephone Companies.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 9790 of the Revised Code of 1919 of the State of South Dakota be and it is hereby amended to read as follows:

Section 9790. Consolidation.] No association, corporation or individual organized for the purpose of owning, maintaining or operating lines of telegraph or telephone in this state shall consolidate with or hold a controlling interest in the stock or bonds of any telegraph or telephone company owning a competing line or acquire, by purchase or otherwise, any competing line of telegraph or telephone, unless the Board of Railroad Commissioners, after full investigation and a public hearing or hearings upon the applications of the associations, corporations or persons, proposing to consolidate, shall consent thereto by written order entered in the journal of its proceedings.

Approved February 15, 1921.

Townships

CHAPTER 403.

(H. B. 285)

RELATING TO WATERS.

AN ACT Entitled, An Act to Amend Section 8354 of the South Dakota Revised Code of 1919, Relating to the Construction by Organized Townships of Pipes, Dams and Reservoirs for the Furnishing of Water.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 8354 of the South Dakota Revised Code of 1919, be and the same is hereby amended to read as follows:

Section 8354. Pipes, Dams, Reservoirs, Construction.] Whenever it shall appear necessary, from the report of the state engineer, to pipe, convey or dam the water flowing from any spring, stream, well or other source of water supply, or to construct reservoirs in which to store the water therefrom, for the purpose of furnishing a water supply for domestic uses, fire protection or any other purposes, the contract for the same shall be let in the manner as is provided for the sinking of wells and the money for such work shall be raised by bonding the township, and all the provisions of this article in reference to bonding civil townships for the sinking of artesian wells and the payment of the bonds issued therefor shall apply to the work mentioned in this section. The provisions of this section shall not be construed to require a township to furnish water to any city, town or village having a population of more than one hundred (100) according to the last federal census.

Approved March 12, 1921.

Trespass of Animals

CHAPTER 404.

(S. B. 41)

RELATING TO SECURITY FOR DAMAGES.

AN ACT Entitled, An Act to Amend Section 2924 of the South Dakota Revised Code of 1919, Relating to Trespass of Animals.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 2924 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 2924. May Retain Animals Until Damages are Paid.] The person suffering injury as mentioned in the third preceding section may

retain and keep in custody such offending animal or animals until the damages and costs are paid, or until good and sufficient security be given for the same. Such security shall be in the form of a bond or undertaking, signed by the owner of the trespassing animal or animals and at least two freeholders in the county, and shall run to the person claiming damages and be for twice the amount of damages claimed, and in no case less than one hundred dollars. If the person aggrieved is not satisfied with the sufficiency of the bond and the parties can not agree, a bond shall then be furnished and shall be approved by the sheriff and after his approval the person holding such trespassing animal or animals shall be required to turn the same over to the owner, and his failure to do so shall make him a trespasser. The owner of the trespassing animal or animals shall pay the sheriff fifty cents for approving the bond and the same shall be taxed with the costs if a suit is instituted later. Whenever any animal or animals are restrained under this chapter, the person restraining the same shall forthwith notify the owner or person in whose custody the same was at the time the trespass was committed, of the seizure thereof, providing the owner or person who had the same in charge is known to the person making said seizure. If the owner or person who formerly had the animals in charge is unknown, or if he shall neglect or refuse for three days after receiving notice as hereinbefore provided to take up the animals or to furnish the bond hereinbefore provided for, then the person restraining such animals may, instead of retaining them in his own custody, notify the sheriff of the county in which such animals were taken and it shall thereupon become the duty of such sheriff, within three days after receiving such notice, to take such offending animals into his possession and to retain and care for them in like manner as the person suffering injury from the trespass would have been required to do. The Sheriff shall have a lien upon such animals for the expenses incurred by him in feeding and caring for such animals, including the sum of 25 cents per day as compensation for caring for each such animals, which lien may be foreclosed in the same manner as agisters' liens are now foreclosed by law. The owner or person who formerly had charge of such animals may recover them from the sheriff by paying all damages and costs in the same manner as he might have recovered such animals from the person who distrained them; or he may recover such animals by furnishing to the sheriff the bond provided for in this section and by paying to the sheriff his costs and disbursements. The sheriff and the person suffering damage from such trespass may sue jointly or severally for their several costs, expenses and damages, or they may maintain a joint or several action for the foreclosure of the liens created by this chapter.

Approved March 10, 1921.

CHAPTER 405.

(H. B. 108)

RELATING TO DAMAGES, TRESPASS BY ANIMALS.

AN ACT Entitled, An Act to Amend Section 2921 of the South Dakota Revised Code of 1919, as Amended by Chapter 350 of the Session Laws of 1919 of the State of South Dakota, Relating to Damages for Trespass of Animals.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 2921 of the South Dakota Revised Code of 1919 as amended by Chapter 350 of the Session Laws of 1919 of the State of South Dakota be amended to read as follows:

Section 2921. Damages May be Recovered in a Civil Action.] Except as in this chapter otherwise provided, any person owning or having in his charge or possession any horses, mules, cattle, goats, sheep or swine, which such animals shall trespass upon land, either fenced or unfenced, belonging to any person injured by such trespass, shall be liable to any such person injured for all damages sustained by reason of such trespassing, such damages to be recovered in a civil action in any Court having jurisdiction thereof in the county where such damage may have occurred, and the proceedings shall be the same as in other civil actions, except as herein modified, provided that no property shall be exempt from seizure and sale under executions issued upon any judgment obtained under or by virtue of this Chapter except such as is absolutely exempt; and provided, further, that the person claiming damages under the provisions of this chapter shall bring action in the proper court within three months after the infliction of such injury; provided, that in case of damages done by the following animals to-wit: Stallions over the age of eighteen months, Bulls over the age of ten months, Rams or Boars over the age of eight months, said action for damages may be brought within one year after the infliction of such injury.

Approved February 24, 1921.

Uniform Legislation

CHAPTER 406.

(S. B. 272)

RELATING TO COMMISSIONERS ON UNIFORM LEGISLATION.

AN ACT Entitled, An Act to Amend Section 4 of Chapter 351 of the Session Laws of the State of South Dakota for the Year 1919.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Section 4 of Chapter 351 of the Session Laws of the State of South Dakota for the year 1919 is hereby amended so as to read as follows:

Section 4. No member of said Board shall receive any compensation for his services, but each member of said Board shall be reimbursed out of the funds hereinafter provided, upon the certificate of said Board approved by the state auditor, the amount of his traveling and other personal expenses necessarily incurred in the discharge of his official duties, but such expense shall not exceed for any one member, in any one year Two Hundred fifty dollars, and the said Board is hereby authorized to expend not to exceed in any one year the sum of Seven Hundred fifty dollars for its necessary disbursements and expenses, including the personal expenses of the members of said board, necessarily incurred in the performance of their duties, stationery, and the expense of the preparation and printing of its report; and, upon the requisition of said Board approved by the state Auditor there shall annually be paid out of the state treasury to the National Conference of Commissioners on Uniform State Laws the sum of Three Hundred Dollars or such part thereof as said Board shall deem proper, to meet, with appropriations for similar purposes by other states, the proper proportion to be paid by the state of South Dakota towards the expenses of the work carried on by said National Conference; and to carry out the provisions of this act a sum not exceeding Nine Hundred Dollars per year may be expended. The sum Nine Hundred dollars is, for the purpose of this Act, hereby annually appropriated out of any money in the state treasury not otherwise appropriated, belonging to the general fund, and the money herein appropriated shall be drawn from and become payable out of the state treasury by requisitions upon the state treasurer by said Board after the approval of such requisitions by the state auditor.

Approved March 11, 1921.

University of South Dakota

CHAPTER 407.

(H. B. 369)

SUBMITTING TO A VOTE OF THE PEOPLE INITIATED MEASURE TO REMOVE
THE UNIVERSITY OF SOUTH DAKOTA FROM VERMILLION
TO SIOUX FALLS.

AN ACT Entitled, An Act Enacting and Submitting to a Vote of the Electors of the State a Proposed Law Changing the Location of the University of South Dakota from Vermillion, Clay County, to Sioux Falls, Minnehaha County, and Amending Section 5588 of the South Dakota Revised Code of 1919.

Whereas under the provisions of section 1 of article 3 of the constitution of the state of South Dakota and sections 5067 to 5074 inclusive of the South Dakota Revised Code of 1919 a petition has been filed in the office of the Secretary of State, signed by more than five per centum of the qualified electors of the state in the manner and form therein directed, petitioning that the following proposed law be enacted and submitted to a vote of the electors of the state at the next general election, certified copies of said petition having been transmitted to the senate and house of representatives by the Secretary of State.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That the following act be and the same is hereby enacted and submitted to a vote of the electors of the state at the next general election to be held in the year 1922, for their approval.

AN ACT Entitled, An Act Changing the Location of the University of South Dakota from Vermillion, Clay County, to Souix Falls, Minnehaha County, and Amending Section 5588 of the South Dakota Revised Code of Nineteen Hundred and Nineteen.

BE IT ENACTED BY THE PEOPLE OF SOUTH DAKOTA:

Section 1. That Section 5588 of the South Dakota Revised Code of Nineteen Hundred and Nineteen be and the same is hereby amended to read as follows:

Section 5588. The University of South Dakota heretofore established and located at Vermillion, Clay County, is hereby re-established and relocated at Sioux Falls, Minnehaha County, and as so re-established and relocated shall continue to be the University of the State, the control of which shall be vested in the Board of Regents. The Board of Regents shall with money appropriated for that purpose, provide for suitable grounds and buildings for said University at Souix Falls, Minnehaha County, but may continue said University at Vermillion, Clay County until such suitable buildings and grounds are provided. As soon as such suitable buildings and grounds are provided at Souix Falls, Minnehaha County, the Board of Regents shall then direct and cause the removal of the apparatus, libraries, and other personal property belonging to the University from Vermillion, Clay County, to Souix Falls, Minnehaha County, and thereafter shall continue said University at Souix Falls, Minnehaha County, and discontinue said University at Vermillion, Clay County.

Approved March 12, 1921.

Unorganized Counties

CHAPTER 408.

(H. B. 41)

RELATING TO UNORGANIZED COUNTIES.

AN ACT Entitled, An Act to Amend Section 5731 and to Repeal Section 7370 of the South Dakota Revised Code of 1919, Relating to Unorganized Counties.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That section 5731 of the South Dakota Revised Code of 1919 be and is hereby amended to read as follows:

Section 5731. Petition for Organization.] Whenever the voters of any unorganized county in this State, exclusive of those residing on an Indian Reservation, shall equal four hundred (400) or more, one-half of whom shall be freeholders or bona fide entry-men under the homestead laws of the United States, and when four hundred (400) of such voters shall desire to have such county organized, they may petition the Governor, setting forth that the county has the requisite number of legal voters having the qualifications above prescribed to form a county organization, and request him to organize such county as hereinafter provided. Such petition shall be signed by at least four hundred (400)

legal voters of such county, of whom at least two hundred (200) must be freeholders or bona fide entrymen under the homestead laws of the United States: Provided, also that any person filing any such petition with the Governor shall make affidavit that the signers of such petition had, at the time such petition was signed, the qualifications prescribed in this section.

Section 2. That Section 7370 of the South Dakota Revised Code of 1919 be and is hereby repealed.

Approved February 3, 1921.

CHAPTER 409.

(H. B. 156)

RELATING TO CIVIL AND CRIMINAL JURISDICTION AND TAXATION OF UNORGANIZED COUNTIES.

AN ACT Entitled, An Act to Regulate the Collection and Custody of Taxes and Moneys of Unorganized Counties and to Provide for the Auditing and Payment of Claims Against Such Unorganized Counties; Amending Sections 5186 and 6763 and Repealing Section 5360 of the South Dakota Revised Code of 1919.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That section 5186 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 5186. Jurisdiction, Process and Costs.] The civil and criminal jurisdiction of justices of the peace, in any organized county to which an unorganized county shall be attached for judicial purposes, and all proceedings begun and had by any board of commissioners of insanity, shall extend over all such unorganized county; and all summonses, orders, warrants or process issued by such justice or commissioners of insanity, or any court or officer thereof, shall be served or executed by the sheriff or any constable of the organized county. All claims against any unorganized county for costs of criminal prosecutions, support of insane, with expenses and costs in insanity cases, all costs of assessment, extension and collection of taxes and the additional salary of the several county officers for services in connection with the unorganized county, shall be audited and paid from the proper funds in the hands of the county treasurer, belonging to such unorganized county, in the same manner as similar costs and expenses of organized counties are now paid.

Section 2. That section 6763 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

Section 6763. Same as to Unorganized Counties.] The law applicable to the payment and collection of taxes in organized counties shall apply in like manner to unorganized counties. The taxes of the unorganized county shall be payable to and collected by the treasurer of the organized county to which such unorganized county is attached for state, judicial or other purposes, and by him kept in a separate fund or funds, from which shall be paid all expenses for which the levies prescribed by law have been made. The state tax shall be collected and accounted for as the state tax is collected and accounted for in the organized county.

Laws—35.

Section 3. That section 5360 of the South Dakota Revised Code of 1919 be and the same is hereby repealed.

Section 4. The state auditor is hereby authorized and directed, immediately upon the passage and approval of this Act, to issue warrants against the various funds of the several unorganized counties, payable to the county treasurers of the several organized counties to which such unorganized counties are attached, for the purpose of immediately transferring the balances in the hands of the state treasurer belonging to such unorganized counties into the county treasury of the several counties to which such unorganized counties are attached, for the purpose of carrying this Act into effect.

Approved February 25, 1921.

Vital Statistics

CHAPTER 410.

(S. B. 62)

RELATING TO FEES FOR VITAL STATISTICS.

AN ACT Entitled, An Act to Amend Section 9907 of the South Dakota Revised Code of 1919, as Amended by Section 6, Chapter 92, Laws of the Special Session of 1920.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That section 9907 of the South Dakota Revised Code of 1919 as amended by Section 6, Chapter 92, Laws of Special Session 1920, be and hereby is amended to read as follows:

Section 9907. A physician or other person reporting any birth or death to the Clerk of Courts, as provided in this article, shall be entitled to a fee of twenty-five cents for each certificate; a Justice of the Peace shall be entitled to a fee of twenty-five cents for each burial or transportation permit issued by him; and the Clerk of Courts shall be entitled to a fee of twenty-five cents for each birth and death certificate received, entered and transmitted to the Director of Vital Statistics, a fee of ten cents for each abstract of marriage, divorce or naturalization records transmitted by him. All such fees to be paid out of the general fund of the County as hereinafter provided.

Approved February 9, 1921.

Witnesses

CHAPTER 411.

(H. B. 349)

RELATING TO DEPOSITIONS IN CRIMINAL CASES.

AN ACT Entitled, An Act Regulating the Taking of Depositions on Behalf of Defendant in Criminal Cases, and Repealing Sections 5017 to 5029 of the South Dakota Revised Code of 1919.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. When an issue of fact is joined upon an indictment of information, or when a defendant has been held to answer a charge for a public offense, he may have witnesses residing or being out of the State examined on his behalf as prescribed herein.

Section 2. Prior to the taking of such deposition a written notice specifying the name of the Court or tribunal in which it is to be used, the time and place of taking the same, the names of the witnesses whose depositions are to be taken, shall be served upon the State's Attorney of the county in which such criminal action is pending. The notice shall be served so as to allow such State's Attorney sufficient time, by the usual route of travel, to attend, and one day for preparation, exclusive of Sundays and the day of service, and the examination may, if so stated in the notice, be adjourned from day to day.

Section 3. The deposition must be written by the officer before whom it is noticed to be taken, or, in his presence, by the witness or some disinterested person and must be subscribed by the witness.

Section 4. The deposition so taken shall be enclosed, sealed and endorsed with the title of the action, and the name of the officer taking the same, and by him addressed and transmitted to the clerk of the court where the action is pending. It shall remain under seal until opened by the clerk by order of the court, or at the request of a party to the action or his attorney or the State's Attorney.

Section 5. When a deposition has once been taken, it may be read in any stage of the same action and on any trial thereof, subject, however, to all such exceptions as may be taken thereto under the provisions of law relating to the taking of depositions in civil actions.

Section 6. Depositions taken pursuant to this Act shall be authenticated and certified in the manner now provided by law for the authentication and certification of depositions in civil actions.

Section 7. So far as practicable the provisions of law in civil cases relative to the taking and use of depositions, including the taking and making of exceptions or objections thereto, not inconsistent herewith, shall be applicable to the taking and use of depositions on behalf of a defendant in a criminal case.

Section 8. Section 5017 to 5029, both inclusive, of the South Dakota Revised Code of 1919, and all other Acts and parts of Acts inconsistent herewith, are hereby repealed.

Approved March 12, 1921.

CHAPTER 412.

(H. B. 28)

RELATING TO PRIVILEGED COMMUNICATIONS.

AN ACT Entitled, An Act to Amend Subdivision 1 of Section 2717 of South Dakota Revised Code of 1919, Relating to Privileged Communications.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That subdivision 1 of section 2717 of South Dakota Revised Code of 1919, be and the same is hereby amended to read as follows;

1. A husband cannot be examined for or against his wife without her consent; nor a wife for or against her husband without his consent; nor can either, during the marriage, or afterward, be, without the consent of the other, examined as to any communication made by one to the other during the marriage; but this subdivision does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, including cases of bigamy and adultery, nor to any action brought by either the husband or wife against any person to recover damages for criminal conversation with the other, or for the alienation of the affection of the other, or for any cause that involves the moral reputation of the other.

Approved January 31, 1921.

CHAPTER 413.

(S. B. 271)

ADOPTING UNIFORM FOREIGN DEPOSITIONS ACT

AN ACT Entitled, An Act Concerning the Taking of Depositions in this State to be Used in Any Foreign Jurisdiction and to Make Uniform the Law With Reference Thereto.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Authority To Act.] Whenever under any mandate, writ or commission issued out of any court of record in any other state, territory, district or foreign jurisdiction, or whenever upon notice or agreement, it is required to take the testimony of a witness or witnesses in this state, witnesses may be compelled to appear and testify in the same manner and by the same process and proceedings as may be employed for the purpose of taking testimony in proceedings pending in this state.

Section 2. Uniformity of Interpretation.] This act shall be so interpreted and construed as to effectuate its general purposes to make uniform the law of those states which enact it.

Section 3. Short Title.] This Act may be cited as the Uniform Foreign Depositions Act.

Section 4. Repeal]. All Acts or parts of Acts which are inconsistent with the provisions of this act are hereby repealed.

Approved March 12, 1921.

Wolf Bounties

CHAPTER 414.

(S. B. 177)

RELATING TO PAYMENT OF WOLF BOUNTIES.

AN ACT Entitled, An Act to Amend Sections 1, 2, 3, 4, 5, 6, 7, and 8, of Chapter 361, Session Laws of South Dakota for 1919, Relating to the Payment of Wolf Bounties by Counties.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 1 of Chapter 361 of the Session Laws of South Dakota for 1919 be and the same is hereby amended to read as follows:

Section 1. That the Board of county commissioners of each county in this state shall on the first Tuesday in September, or at such other time as such board may make levies for taxes for other purposes, each year levy a tax on all property, real and personal, situate in said county, for the fiscal year commencing the next following July 1st and ending June 30th thereafter, to provide a fund for the payment of bounties for wolves, coyotes, mountain lion, bob-cat, lynx, and fox, killed within the limits of each of said counties, which fund shall be equal to the amount of the county bounty paid on predatory animals during the preceding year, and which fund shall be a separate fund, or, in the event no county bounty has been paid on such predatory animals during the preceding year, then the levy shall be based on the number of predatory animals for which claims for state bounty were filed in the office of the county auditor of such county during the same period and at the bounty rates provided in this act.

Section 2. That Section 2 of Chapter 361 of the Session Laws of South Dakota for 1919 be and the same is hereby amended to read as follows:

Section 2. The board of county commissioners of each organized county in this state, to which an unorganized county is attached for state, judicial or other purposes, shall, at the time of making the levy provided for in the preceding section hereof, levy a tax on all property, real and personal, situate in said unorganized county, for the payment of bounties on predatory animals, such as are described in the preceding section hereof, killed within the limits of such unorganized county, in the same manner and under the same conditions prescribed in said preceding section.

Section 3. That Section 3 of Chapter 361 of the Session Laws of South Dakota for 1919 be and the same is hereby amended to read as follows:

Section 3. The funds to be raised in the manner provided in the preceding sections shall be used for the paying of the following bounties, to-wit:

For each grown wolf (other than coyote or prairie wolf)	\$50.00
For each mountain lion	\$10.00
For each coyote or prairie wolf	\$ 4.00
For each wolf (other than coyote or prairie wolf) less than one year old, so killed	\$ 4.00
For each fox, lynx, or bob-cat so killed	\$ 4.00

Section 4. That Section 4 of Chapter 361 of the Session Laws of South Dakota for 1919 be and the same is hereby amended to read as follows:

Section 4. The bounties described in the preceding section of this act shall be paid to the person or persons killing any of said animals, upon his making claim therefor in the following manner; within sixty days after killing any of said animals the person who killed the same shall exhibit the skin or skins of such animal or animals, including the tail and the skin from the entire head, including the ears thereof and including the skin of the lower jaw, together with the lips of the animal attached to the skin, to the county auditor of the county in which such animal shall have been killed, or to the county auditor of the organized county to which the unorganized county in which said animal was killed shall be attached for state, judicial or other purposes, as the case may be, and at the same time he shall file with such county auditor an affidavit that the animal on which the bounty is claimed was killed within said county in this state, giving the date thereof, and by whom killed; and that the skin produced is the skin of such animal; and that no allowance or bounty has been received or paid for the killing of such animal. The county auditor to whom said skin is exhibited is authorized to administer the oath to the person making said affidavit and he shall receive and file said affidavit in his office. It shall be his duty to carefully examine the skin exhibited to him, and if he finds the same has not been patched, covered, punched or cut, he shall thereupon remove the skin of the lower jaw and return the balance of the hide to the one exhibiting the same, and retain such skin of the lower jaw for the examination of the board of county commissioners at its next regular or special meeting. If, after examining the said affidavit and skin of the lower jaw, taken by the auditor as hereinbefore provided, the county commissioners are satisfied that all provisions of the law have been complied with, they shall immediately destroy the skin of the lower jaw exhibited and order a warrant drawn by the county auditor upon the county treasurer, which warrant shall be paid from the fund provided for the payment of wolf bounties.

Section 5. That Section 5 of Chapter 361 of the Session Laws of South Dakota for 1919 be and the same is hereby amended to read as follows:

Section 5. All taxes levied and collected in any unorganized county for the purpose of carrying out the provisions of this act, as provided in Section 2 of this Act, shall be kept and retained in a special fund by the county treasurer of the organized county to which such unorganized county is attached; any claims for bounty properly filed in the office of said county auditor, as provided in this act, shall be considered claims against the attached unorganized county in which the wolves or other animals referred to in said certificate were killed, and the same shall be paid by a warrant drawn by the county auditor against the wolf bounty fund of such attached unorganized county. The provisions of existing laws of this state relating to assessment, taxation and expenses of unorganized counties shall apply, except where inconsistent with the provisions of this act, to the assessment, taxation and expenses incident to the payment of such bounty claims against unorganized counties, as provided in this act.

Section 6. That Section 6 of Chapter 361 of the Session Laws of South Dakota for 1919 be and the same is hereby amended to read as follows:

Section 6. It shall be the duty of the county auditor to keep a record in bound books kept for such purpose of all skins, or parts of skins, together with the date of their receipt and the name of the person delivering the same. One of the said books shall be used to keep such record of all skins of animals killed in the organized county of which such auditor is an officer, and another of said books shall be used to keep a record of all skins of animals killed in any unorganized county attached to said county for state, judicial or other purposes.

Section 7. That Section 7 of Chapter 361 of the Session Laws of South Dakota for 1919 be and the same is hereby amended to read as follows:

Section 7. Any person exhibiting to the county commissioners of any county in this state for the purpose of obtaining said bounty the skin of the lower jaw of any animal mentioned in this act that has been killed prior to July 1st, 1921, or that has been killed outside of the boundaries of the county and state aforesaid, or who shall patch up any skin or part of skin with intent to defraud the county or state, or who shall sign the certificate herein provided for without first examining the skin of any such animal, or who shall intentionally evade or violate any of the provisions of this act shall be deemed guilty of a misdemeanor.

Section 8. That Section 8 of Chapter 361 of the Session Laws of South Dakota for 1919 be and the same is hereby amended to read as follows:

Section 8. Any person or persons making a false statement under oath in any affidavit or certificate required to be made in connection with any bounty claim, shall be liable to prosecution for perjury and suffer the penalties of the same as provided by the laws of this state. Any person or persons driving, baiting, enticing, bringing from outside the state, or breeding or rearing any of the animals mentioned in this act, for the purpose of procuring bounties thereon, shall be deemed guilty of a misdemeanor.

Approved March 1, 1921.

Women's Committee of Investigation

CHAPTER 415.

(H. B. 239)

RELATING TO WOMEN'S COMMITTEE OF INVESTIGATION.

AN ACT Entitled, An Act to Amend Section 10032 of the South Dakota Revised Code of 1919 Relating to Compensation of the Members of the Women's Board of Investigation.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 10032 of the South Dakota Revised Code of 1919 is hereby amended to read as follows:

Section 10032. Term, Compensation.] The members of such committee shall be appointed for a term of two years and shall receive, as compensation for their time and services while in the actual performance of their duties within the state, the sum of five dollars per day and actual traveling and necessary expenses and any actual disbursements for any assistance required in any examination or investigation.

Approved March 8, 1921.

Workmen's Compensation

CHAPTER 416.

(H. B. 114)

RELATING TO ACTIONS WHERE THIRD PERSONS ARE LIABLE.

AN ACT Entitled, An Act to Amend Section 9446 of the South Dakota Revised Code of 1919, Relating to the Recovery of Damages for Injuries or Death Sustained by an Employee for Which Liability Exists on the Part of Some Third Person.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 9446 of the Revised Code of 1919 be, and the same is hereby amended to read as follows:

Section 9446. Right of Action When Third Person is Liable.] Whenever an injury for which compensation is payable under this article shall have been sustained under circumstances creating in some other person than the employer a legal liability to pay damages in respect thereto, the injured employee may at his option either claim compensation or proceed at law against such other person to recover damages, or proceed against both the employer and such other person, but he shall not collect from both, and if compensation is awarded under this article, the employer having paid the compensation or having become liable therefor may collect in his own name, or that of the injured employee, or his personal representative, if deceased, from the other person against whom legal liability for damage exists the amount of such liability and shall hold for the benefit of the injured employee or his personal representative, if deceased, the amount of damages collected in excess of the amount of compensation paid such employee or his representative, plus the necessary and reasonable expense of collecting the same.

Approved February 25, 1921.

CHAPTER 417.

(H. B. 137)

RELATING TO HEARINGS BEFORE BOARD OF ARBITRATION.

AN ACT Entitled, An Act to Amend Section 9471 of the South Dakota Revised Code of 1919, Relating to Hearing and Decision of Industrial Commissioner.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 9471 of the Revised Political Code of 1919 be and the same is hereby amended to read as follows:

Section 9471. Hearing, Decision.] The Board of Arbitration shall make such inquiries and investigations as it shall deem necessary. The hearings of the board shall be in the city or town or place where the

injury occurred, provided that when an injury occurs in a remote place, the hearing may be held at some other place which shall appear to the Industrial Commissioner to be more convenient to the parties and the witnesses. And a record of the proceedings of the board shall be kept, the expense of such record to be borne by the fund of the State Industrial Commissioner. And the decisions of the board, together with the statement of evidence submitted before it; its rulings, its findings of fact, its conclusions of law and other matters pertinent to questions arising before it, shall be filed in the office of the Industrial Commissioner. Unless a claim for review is filed by either party within ten days from the date of the filing of the findings of the Board of Arbitration in the office of the Industrial Commissioner, the decision shall be enforceable under the provisions of this article.

Approved February 25, 1921.

CHAPTER 418.

(H. B. 35)

RELATING TO COMPENSATION.

AN ACT Entitled, An Act to Amend Section 9458 of the South Dakota Revised Code of 1919 Relating to Workmen's Compensation.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 9458 of the South Dakota Revised Code of 1919 be, and the same is hereby amended by adding thereto Subdivision 8, to read as follows:

8. No compensation shall be payable under this act to a widow or dependent unless such widow or dependent was a resident of the United States at the time of the death of the deceased.

Approved February 17, 1921.

CHAPTER 419.

(S. B. 244.)

RELATING TO COMPENSATION FOR INJURY.

AN ACT Entitled, An Act to Amend Section 9459 of the South Dakota Revised Code of 1919, as Amended by South Dakota Session Laws of 1919, Relating to Compensation for Injury.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Sub-Division 2 of said Section 9459 be amended to read as follows:

2. No compensation shall be paid under this Act for an injury which does not incapacitate the employee for a period of at least 10 days from earning full wages, except as otherwise hereinafter provided, but if incapacity extends beyond the 10th day, compensation shall begin

the 11th day after the injury, provided however, that if such disability continues for six weeks or longer such compensation shall be computed from the date of injury; such compensation shall be equal to 55 per cent of the earnings, but not to exceed \$15.00 per week and not less than \$7.50 per week, except that when the amount earned is less than \$7.50 per week, in which case the amount of compensation shall be the average weekly wage earned. And provided further that in case such injured employee is treated or examined by any physician employed or recommended by the employer, it shall be the duty of such physician on the 11th day after such injury, or as soon thereafter as possible to certify to the employer the number of days prior thereto during which the injured employee has by reason of such injury been incapacitated from earning full wages, if in the judgment of such physician such employee has been so incapacitated, and such employee shall be entitled to compensation therefor. Such physician shall be entitled to a fee of fifty cents (50c) for such certificate to be paid by the employer, and which certificate shall, if so requested by the employee be submitted by the employer for inspection, and provided, further, that liability for payment of the compensation, if any to which the injured employee may be entitled for all or any of the first 10 days after the injury under the conditions hereinbefore specified in this Sub-division may by mutual agreement between the employer and the insuring company be expressly excepted from the policy of insurance required in Section 9482 of said Revised Code, in which event such compensation if any shall be paid by the employer to the injured employee and without recourse upon the insuring company.

Section 2. That sub-division 6 of said Section 9459 be amended to read as follows:

6. In case of complete disability which renders the employee wholly and permanently incapable of work, compensation equal to 55 per cent of his earnings, but not less than \$7.50 nor more than \$15.00 per week, commencing on the day after the injury and continuing until the amount paid equals the amount which would have been payable as a death benefit under Sub-division 1 of Section 9458 of said Revised Code.

Section 3. That Sub-division 8 of said Section 9459 be amended to read as follows:

8. In no event shall the compensation to be paid exceed 55 per cent of the average weekly wage or exceed fifteen dollars per week in amount; nor, except in cases of complete disability, as defined above shall any payments extend over a period of more than six years from the date of accident. In case an injured employee shall be incompetent at the time when any right or privilege accrues to him under the provisions of this Act, a guardian may be appointed pursuant to law, and may, on behalf of such incompetent claim and exercise any such right or privilege with the same force and effect as if the employee had been competent and had claimed or exercised said right or privileges; and no limitations of time by this Act provided shall run so long as said incompetent employee is without a guardian.

Approved March 11, 1921.

CHAPTER 420.

(H. B. 34)

RELATING TO COMPENSATION FOR DEATH.

AN ACT Entitled, An Act to Amend Subdivision 6 of Section 9458 of the South Dakota Revised Code of 1919, Relating to Workmens Compensation, and Declaring an Emergency.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Subdivision 6 of Section 9458 of the South Dakota Revised Code of 1919 be, and the same is hereby amended to read as follows:

6. The compensation to be paid for injury which results in death, as provided in this section, shall be paid at the option of the employer either to the personal representative of the deceased employe or to his beneficiaries, and shall be distributed to the heirs who formed the basis for determining the amount of compensation to be paid by the employer, the distributees' shares to be in the proportion of their respective dependency at the time of the injury on the earnings of the decedent; provided, that in the judgment of the court appointing the personal representative, a child's distributive share may be paid to the parent for the support of the child. The payment of compensation by the employer to the personal representative of the deceased employe shall relieve him of all obligation as to the distribution of such compensation paid to him by the employer shall be made pursuant to the order of the court appointing him. With the consent and approval of the industrial commissioner, the employer may pay to the surviving widow of a deceased, the compensation payable to such widow and the minor children of the deceased without the necessity of the appointment of a guardian for such minor children and payment of such compensation by the employer shall relieve him of all obligation as to the distribution of such compensation so paid. Except in those cases where a lump sum settlement has been made, such approval by the industrial commissioner may be at any time revoked or modified for cause.

Section 2. Whereas, This Act is necessary for the immediate preservation of the public health, peace and safety, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Approved February 4, 1921.

CHAPTER 421.**(S. B. 303)****RELATING TO WILFUL NEGLIGENCE OR MISCONDUCT OF EMPLOYEE.**

AN ACT Entitled, An Act to Amend Section 9442 of the South Dakota Revised Code of 1919.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 9442 of the South Dakota Revised Code of 1919, be and the same is hereby amended to read as follows:

Section 9442. Wilful Neglect or Misconduct of Employee.] No compensation shall be allowed for any injury or death due to the employee's wilful misconduct, including intentional self-inflicted injury, intoxication, or wilful failure or refusal to use a safety appliance furnished by the employer, or to perform a duty required by statute, provided, that the burden of proof under this section shall be on the defendant employer.

Approved March 11, 1921.

CHAPTER 422.**(H. B. 136)****RELATING TO INDUSTRIAL COMMISSIONER AND DEPUTY.**

AN ACT Entitled, An Act to Amend Section 9465 of the South Dakota Revised Code of 1919, as Amended by Chapter 364, Session Laws of 1919, Relating to Oath of Office, Deputy, Employees, Salaries and Seal of Industrial Commissioner.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 9465 of the South Dakota Revised Code of 1919, as amended by Chapter 364, Session Laws of 1919, be, and the same is hereby amended to read as follows:

Section 9465. Oath of Office, Deputy, Employees, Salaries, Seal.] The actual necessary expenses of the Industrial Commissioner shall be paid by the state and he shall be provided with adequate and necessary office rooms, furniture, equipment and other supplies necessary to the discharge of his duties. The Commissioner, by and with the consent of the Governor, may appoint a deputy, and employ such other assistants and clerical help as may be required and fix the compensation for each; provided that the salary of the deputy shall be two thousand four hundred dollars per annum. Such deputy shall possess and exercise all the powers conferred by this article upon the Industrial Commissioner, and except as to appointment and salary, the phrase "Industrial Commissioner" wherever it occurs in this article, shall be construed to include such deputy. The Commissioner shall provide himself with a seal, which shall be used to authenticate his orders, decisions and other proceedings deemed necessary, upon which shall be inscribed the words, "South Dakota Industrial Commissioner." The Commissioner shall have the power to remove at any time any person appointed or employed by him. Before entering upon his duties, the commissioner shall qualify by taking the Constitutional oath of office.

Approved March 12, 1921.

CHAPTER 423.**(H. B. 282)****RELATING TO OPERATION OF THRESHING MACHINES.**

AN ACT Entitled, An Act to Amend Chapter 362, Session Laws of 1919 Relating to Operation of Threshing Machines.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Chapter 362, Session Laws of 1919, be Amended to Read as Follows:

Chapter 362. That the provisions of Article 4 of Chapter 5 of Part 19 of the South Dakota Revised Code of 1919, Sections 9436 to 9491, both inclusive, not inconsistent with the provisions of this Act, are hereby extended and shall apply to the occupation of operating threshing machines, including traction engines and separators in the state of South Dakota, and it shall be unlawful for any person, firm, association or corporation to operate a threshing machine and engage in the threshing of grain in this state without first providing insurance for the compensation of employees, who may be injured in the performance of their duty as such employees.

Section 2. The policy of insurance procured under the provisions of this act may be written by any mutual or other insurance company organized under the laws of the state or authorized to do business within this state and the form of the policy shall be approved by the Commissioner of Insurance. Provided, however, that any organization or association organized and existing under the provisions of Section 9484 of Chapter 5 of the South Dakota Revised Code of 1919, may issue a certificate of membership to be approved by Industrial Commissioner, which certificate of membership shall have the same force and effect as the policy of Insurance herein referred to. Before any person, firm, association or corporation shall do any threshing in this state, the policy of insurance or certificate of membership required under the provisions of this act, shall be first filed in the office of the Clerk of the Circuit Court of the County in which the operator resides and said policies of insurance and certificates of membership shall be open for public inspection.

Section 3. All contracts for threshing of any grain, entered into by any person, firm, association or corporation without first having procured and filed the policy of insurance or certificate of membership required under the provisions of this act, shall be null and void and no compensation shall be recoverable thereunder.

Section 4. The provisions of this act shall apply only to those engaged in operation of threshing machines for profit and not to the operation of threshing machines by the owner for the threshing of his own grain crops or those who are not generally engaged in the operation of threshing machines for commercial purposes.

Approved March 12, 1921.

Writ of Prohibition

CHAPTER 424.

(H. B. 100)

DEFINING THE WRIT OF PROHIBITION.

AN ACT Entitled, An Act to Amend Section 3019 of the South Dakota Revised Code of Nineteen Hundred Nineteen, Relating to Writ of Prohibition.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That Section 3019 of the South Dakota Revised Code of Nineteen Hundred Nineteen be and the same is hereby amended to read as follows:

Section 3019. Definition of Writ of Prohibition.] The Writ of Prohibition is the counterpart of the writ of mandamus. It arrests the proceedings, administrative or judicial, or any tribunal, corporation, board or person, when such proceedings are without or in excess of the jurisdiction of such tribunal, corporation, board or person, or are without or in excess of the powers or authority conferred by law upon such tribunal, corporation, board or person.

Section 2. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Approved March 1, 1921.

Yankton State Hospital

CHAPTER 425.

(S. B. 315)

RELATING TO TRANSFER OF FUNDS.

AN ACT Entitled, An Act to Transfer the Sum of One Thousand Dollars (\$1000) From the Local and Endowment Fund to the Permanent Incidental Fund of the Yankton State Hospital for the Insane.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. That there is hereby transferred from the Local and Endowment Fund of Yankton State Hospital for the insane to the Permanent Incidental Fund of that institution the sum of one thousand dollars (\$1,000), which sum shall hereafter be a part of said Permanent Incidental Fund and shall be controlled by the provisions of sections 6963 and 6964 of the Revised Code of 1919. The State Auditor, the State Treasurer, the Board of Charities and Corrections and the Steward of the Yankton State Hospital are hereby authorized and directed to make such entries and issue such vouchers and warrants as may be necessary in order to effectuate the transfer of funds herein provided for.

Section 2. Whereas, this Act is necessary for the immediate support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1921.

INDEX

	Page
ABDUCTION—	
Female Minors	134
ABERDEEN NORMAL—	
See Northern Normal and Industrial School	
ABORTION—	
Dying Declarations	339
ACKNOWLEDGMENTS—	
Form of, by Corporation	134
ACTIONS—	
For Injury, Liability of Third Persons	552
Limitation Within Six Years	410
Limitation Within Three Years	411
Personal Injury, Examination of Injured	273
By and Against State, Home Building Department	362
ACTS LEGALIZED—	
Barnard Consolidated School District Bond Issue	135
Brookings Bond Election and Bond Issue	136
Orders of County Court	136
County Court Proceedings, Lands Patented to Heirs	275
Custer County Bond Issue	137
Bonds, Independent District of Delmont	138
Fort Pierre Bond Issue	138
Defective Guardianship Proceedings	139
Legalizing Acts of Harrold Consolidated School District	140
Hart Table Consolidated School District Bond Issue	140
Hudson Bond Issue	141
Huron School Bond Election	142
Menno Refunding Bonds	142
Murdo Bond Issue	143
Onida Bond Issue	144
Partition and Distribution After Conveyance by Heir or Devisee	339
City Manager Elections, Etc., in Rapid City	145
Recorded Instruments Affecting Real Property	146
Tolstoy Bond Issue	146
Tyndall Bond Elections	147
Recording War Discharge Papers	466
ADAMS, M. A.—	
Appropriation	156
ADJUTANT GENERAL—	
General Appropriation	148
Transfer of Fund	524
ADULTERATED DRUGS—	
Defined	346
AFFIDAVITS—	
Record of	466
AGRICULTURE—	
See Department of Agriculture.	
See Public Markets.	
See State Board of Agriculture.	
Appropriation for Agricultural Extension	156
Appropriation for Bulletins	153
Summer School—Appropriation	153
Agricultural and Home Economics—Appropriation	153
Supervision—Appropriation	153
Appropriation, Soil Survey	153
ALCOHOL—	
Denatured, See Intoxicating Liquor.	
Laws— 36.	

			Page
ALCOHOLIC PREPARATIONS COMMISSION—			
How Constituted			399
Powers and Duties			399
AMENDMENTS AND REPEALS (Specific)			
Constitution,			
See Constitutional amendments.			
Laws, 1917.			
Chapter 103			158
Laws, 1918, Special Session.			
Chapter 55, Sections 1-4			414
Chapter 55, Sections 6-12			414
Revised Code, 1919.			
Section	Page	Section	Page
21	361	5166	271
184	446	5171	269
296	407	5172	270
451	368	5177	270
509	466	5184	271
587, Subd. 2	134	5186	545
718	337	5222	406
1157	229	5305	276
1577	415	5320	519
1590	415	5332, Subd. 4	482
1593	416	5334	493
1644	409	5360	546
1683	409	5371	510
1684	410	5509	529
1685	410	5574	229
1902	445	5588	543
1903	445	5610	445
2242	444	5645	491
2248	444	5699	489
2298	410	5731	544
2299	411	5807	265
2502, Subd. 9	276	5876	266
2559	277	5887	257
2563	274	5895	267
2761	272	5903	264
2717	548	5907	257
2921	542	5908	257
2924	540	5909	258
2945	326	5947	265
2981	228	5962	500
2985	228	5982	209
3019	558	6005	526
3050	336	6169, Subd. 18	435
3189	269	6169, Subd. 60	435
3249	337	6169, Subd. 83	436
3389	268	6169, New Subd. 84	432
3470	338	6169, Subd. 85	434
3477	339	6191	429
3536	359	6192	429
3619	346	6204-30	126
3853	537	6218	445
3977	447	6231	427
4102	134	6231-41	427
4229	325	6232	427
4248	343	6234	427
4327	411	6235	428
4329	412	6236	428
4330	412	6248	436
4383-6	449	6251	439
5017-29	547	6255	430
5075	408	6261	430
5076	408	6262	430
5077	408	6280	425
5103	515	6286	430
5106	516	6301	433
5131	538	6308	430

AMENDMENTS AND REPEALS (Specific)—Continued.

Section	Page	Section	Page
6324	438	7644	302
6332	425	7665	511
6333	423	7708	512
6334	424	7738	514
6335	424	7747	285
6336	425	7748	285
6347	425	7751	285
6377	440	7779	325
6386	442	7791	348
6404	443	7810	350
6409	442	7822	368
6420	437	7823	369
6421	438	7824	369
6436	431	7825	349
6437	431	7826	369
6456	432	7827	369
6677	209	7834	370
6763	545	7843	370
6771	210	7852	346
6785	212	7982-84	282
6806	213	7985	284
6877	511	7986	284
6892	452	7987-88	282
6901	340	7989	284
6905	340	7990-8007	282
6927	457	8060	533
6934	523	8184	522
6935	523	8122	531
6936	523	8123	531
6937	524	8125	532
6938	523	8141	412
6939	522	8354	540
6971	535	8364	208
7099	448	8367	208
7125	448	8458	287
7126	448	8459	296
7127	449	8460-63	288
7128	449	8465	291
7129	449	8470	292
7163	448	8471	294
7164	448	8472	295
7165	448	8476	292
7166-75	419	8484	292
7216	327	8486	294
7231, Subd. 2	334	8638	420
7231, Subd. 5	335	8642	421
7273	330	8663	421
7370	545	8663	422
7374	328	8716	414
7375	328	8761	242
7376	329	8787	248
7409	322	8818	246
7410	323	8821	247
7419	315	8844	245
7420	315	8845	245
7446	314	8859	243
7485	312	8860	243
7490	321	8864	243
7499	316	8902	248
7517	321	8906	249
7570	303	8913	250
7571	303	8918	225
7618-22	318	9020	224
7623-25	320	9112	384
7626	320	9125	380
7627-28	320	9247	384
7629-30	319	9320	391
7642	298	9442	556
7643	300	9446	552

AMENDMENTS AND REPEALS (Specific)—Continued.

Section	Page	Section	Page
9458, Subd. 6	555	10025	417
9458, (New Subd. 8)	553	10030	417
9459, Subd. 2	553	10032	551
9459, Subd. 6	554	10128	494
9459, Subd. 8	554	10129	495
9465	556	10135	495
9471	552	10137	497
9500	463	10138	498
9553	460	10139	498
9573	462	10145	499
9583	458	10149	500
9586	462	10226-10234	521
9596	459	10227	520
9756	461	10265	401
9765	460	10268	401
9790	539	10328	399
9884	529	10434	355
9907	546	10463	356
9955	506	10481	355
9961	507	10503	353
9995	230	10504	354
9998	231	10537	345
10023	416		

LAWS, 1919.

	Page
Chapter 15	524
Chapter 49 Sections 1, 2 and 7	311
Chapter 103	209
Chapter 142	249
Chapter 143	250
Chapter 150	266
Chapter 151	267
Chapter 169 Section 8	302
Chapter 171	304
Chapter 172	315
Chapter 173	320
Chapter 182 Section 1	317
Chapter 184	323
Chapter 198 Section 2	340
Chapter 215	355
Chapter 229 Section 12	379
Chapter 234	384
Chapter 235	384
Chapter 244 Sections 5-9	386
Chapter 244 Section 11	389
Chapter 244 Section 14	389
Chapter 244 Sections 15, 16	389
Chapter 244 Section 23	391
Chapter 244 Section 24	385
Chapter 262 Sections 1-3	414
Chapter 262 Section 5	414
Chapter 263 Sections 1, 2	416
Chapter 264	421
Chapter 264	422
Chapter 266	421
Chapter 269	443
Chapter 284 Section 3	454
Chapter 293	463
Chapter 303	468
Chapter 310	495
Chapter 312	500
Chapter 314	507
Chapter 315 Sections 2, 3, 9 and 17	507
Chapter 318 Sections 1, 4, 6, 7, 10, 12 and 13	516
Chapter 319	515
Chapter 321	513
Chapter 324 Section 6	519
Chapter 333 Sections 2, 6	526
Chapter 333 Section 8	528

LAWS, 1919—Continued.

	Page
Chapter 333 Section 15	527
Chapter 333 Section 31	526
Chapter 334 Section 1	525
Chapter 350	542
Chapter 351 Section 4	542
Chapter 361	549
Chapter 362	557
Chapter 364	556

LAWS, 1920, SPECIAL SESSION.

Chapter 46	294
Chapter 46	295
Chapter 53	312
Chapter 62	384
Chapter 64 Section 3	391
Chapter 74 Section 3	437
Chapter 81	459
Chapter 82	500
Chapter 86	522
Chapter 89	527
Chapter 89 Section 5	528
Chapter 92	546

AMERICANIZATION—

Appropriation for	152
-------------------------	-----

AMERICAN LEGION—

Unlawfully Wearing Badges of	343
------------------------------------	-----

ANIMALS—

Damages for Trespass	540
Damages, Trespass by	540

APPEALS—

From Commissioner of Insurance	380
From County Commissioners to Court	237
From County Commissioners to State Highway Commission	527

APPORTIONMENT—

Legislative	408
-------------------	-----

APPROPRIATIONS—

General Appropriation Bill	148
For M. A. Adams, et al.	156
Agricultural Extension, Etc.	156
Assessment, Armstrong County	157
Assessment, Shannon County	157
Attorney General	158
For Item from Chapter 49 Laws of 1919	180
Child Welfare Commission	159
Civilian Rehabilitation	159
Civil War Veterans, Wives and Widows	160
Coal Mining Commission	161
Coal Mining Commission	161
Lands, Custer State Park	162
Custer State Park	163
Department of Agriculture	163
Department of Marketing	164
Department of Marketing	164
Efficiency Survey	165
Emergency Building Fund	165
Deficiency, Food and Drug Department	165
Deficiency, Food and Drug Department	166
Consolidating and Reappropriating Certain Funds	162
Feeble Minded—Segregation	345
Great Lakes-St. Lawrence Tidewater Association	166
Home Building Department	195
James and Big Sioux Valley Drainage Commission	247
Legislative Expense, Special Session, 1920	167
Deficiency, Legislative, 1920 Special Session	167
Legislative Expense	168
Extra Legislative Expense 1921 Session	169

APPROPRIATIONS—Continued.

	Page
Legislative Printing, Binding, Etc.	169
Legislative Portraits	170
Expense, Members of Legislature	170
Repairs, Madison Normal	171
Distribution of Motor Vehicle Funds	171
Proceeds Motor Fuel Tax	418
Motor Vehicle Licenses in State Highway Fund	420
Claim of Albert Nieuwenhuis	172
Deficiency, Northern Normal	172
Deficiency, State Penitentiary	197
Transportation of Convicts to Penitentiary	173
Transportation of Convict to Penitentiary	173
Conveyance of Convicts to Penitentiary	174
Portrait, Ex-Governor Byrne	174
Presidential Electors	175
Deficiency, Richards' Primary Law	175
Operation, Richards' Primary Law	176
Rodent Pest Act	468
Rural School Building Plans	176
In Aid of Common Schools	179
Deficiency, School for Blind	180
Repairs, State School for Blind	181
State School and Home for Feeble Minded	181
State School and Home for Feeble Minded	182
Deficiency, State School and Home for Feeble Minded	182
Building, School of Mines	183
Land, School of Mines	183
Heating Plant, School of Mines	184
Deficiency, State School of Mines	184
School and Public Lands	177
Advertising, School and Public Lands	177
Drainage, School Lands	178
Deficiency, School and Public Lands	178
Assessment, Shannon County	157
Federal Moneys, Sheppard-Towner Bill	512
Burial, Soldiers and Sailors	185
Soldiers' Compensation Act	502
Deficiency, Soldiers' Home	185
Deficiency, Soldiers' Home	186
Deficiency, Soldiers' Home	186
Deficiency, Springfield Normal	187
State Board of Accountancy	187
Deficiency, State Board of Health	188
State Budget Board	188
State Budget Board	189
State Budget Board	189
Rentals and Maintenance of State Departments Outside of Capitol	158
State Capitol Grounds	190
Building, State College	191
State College	191
State College	191
Deficiency, State College	192
Heating Plant, State College	192
State College	193
State Commission on Feeble Minded	344
Supplies, State Council of Defense	193
State Fair	194
State Firemen's Association	194
Death, Employee, State Highway Department	194
Salaries and Expenses, State Highway Commission	528
State Industrial School for Girls	529
Deficiency, State Live Stock Sanitary Board	195
Deficiency, State Live Stock Sanitary Board	196
State Nurses Examining Board	196
Improvements, State Sanitarium	197
Building, State Sanitarium	198
Improvements, State Training School	198
Deficiency, State Treasurer	199
State Treasurer, Expense Sale of State Warrants	199
Premium, State Treasurer's Bond	200

APPROPRIATIONS—Continued.

	Page
Deputy Superintendent of Banks	200
Supplies, Tax Commission	201
Payment of Certain Taxes	201
Commissioners on Uniform Legislation	542
University of South Dakota	202
State University, Special Assessments	202
Relief of Civil War Veterans, Wives and Widows	161
Tuition, War Veterans	203
Washington Monument	203
Deficiency, Wolf Bounties	204
State Liability, Workmen's Compensation Law	204
Yankton State Hospital	205
Improvements, Yankton State Hospital	205
Yankton State Hospital	206
Relating to Yankton State Hospital	206
Transportation, Yankton State Hospital	207
ARMISTICE DAY—	
Made a Legal Holiday	361
ARMSTRONG COUNTY—	
Appropriation for Assessment	157
ARMY BADGES—	
Unlawful Wearing	342
ARTESIAN WELLS—	
Location of Township Wells	208
Disposal of Waters	540
ASSESSMENT AND TAXATION—	
Compensation of Assessors	209
Abandoned and Neglected Buildings	380
Tax Levy, Community Centers	236
Levy for Joint County and City Building	262
Tax Levy for County Exhibition Buildings	267
County Free Libraries	260
Tax Levy, County High Schools	307
Errors and Omissions Corrected	210
Levy for Expense and Penalty of Enforcing Code Sec. 9125	380
Exemption, State Highway Bonds	211
License Tax, Motor Fuel	418
Levy for Mothers Pensions	416
Place of Assessment of Road Corporations	209
Tax Levy for Destruction of Insect Pests	258
Tax Levy for Destruction of Rodent Pests	468
School District Tax Levy	316
Tax Levy to Pay Sewerage Bonds	440
State Bridge Tax	211
Tax Levy, Unorganized Counties	272
Time for Procuring Tax Deeds	213
Tax Sale Notice	212
Assessment in Unorganized Counties	214
In Unorganized Counties	545
Tax Levy, Wolf Bounties	549
ASSESSORS—	
Compensation	209
Duty, State Hall Insurance	386
In Unorganized Counties, Duties	214
ATTACHMENT—	
See Uniform Sales Act.	
ATTORNEY GENERAL—	
General Appropriation	148
Appropriation	158
Duty Under Code Sections 7374, 7375 and 7376	330
Duty, Ballots for Constitutional Amendments, Etc.	327
Authority, Emergency Building Fund	452
Duty, Escheats	336
Mutual Insurance Companies	392

ATTORNEY GENERAL—Continued.

	Page
Member, James and Big Sioux Valley Drainage Commission	297
Advisor, Land Settlement Board	507
Duty, Motor Fuel Tax	418
Duty, Navigable Waters Beds	430
Duties, Railroad Commissioners	460
Assistant Attorney General	460
Duty, Unlawful Campaign Expenses	330

AUCTIONS—

See Uniform Sales Act.

AUTOMOBILES—

See Motor Vehicles.

BADGES—

Of Fraternal Societies	343
------------------------------	-----

BANKS AND BANKING—

See Department of Banking and Finance.

Initiated Bank Act Submitted	215
Appropriation for Deputy Superintendent	200
Depositors Guaranty Fund	224
Entering a Bank With Intent to Commit a Felony	224
Superintendent, Deputy, Clerks	225
Powers of Superintendent	227
Powers of Guaranty Fund Commission	227

BARNARD CONSOLIDATED SCHOOL DISTRICT—

Bond Issue Legalized	135
----------------------------	-----

BASTARDY—

Complaint	228
Judgment	228

BENEVOLENT CORPORATIONS—

Contracts With Central Heating Associations	230
By-Laws	243
Officers and Directors	243

BOARD OF ACCOUNTANCY—

Appropriation	187
---------------------	-----

BOARD OF CHARITIES AND CORRECTIONS—

See State Board of Charities and Corrections	
General Appropriation	153

BOARD OF CHIROPRACTIC EXAMINERS—

Created	233
---------------	-----

BOARD OF HEALTH—

See State or County Board of Health.

BOARD OF RAILROAD COMMISSIONERS—

See Railroad Commissioners.

BOARD OF REGENTS—

General Appropriation	153
Appropriation, War Veterans Tuition	203
Employment of Officers, Instructors, Etc.	229

BOARDS OF TRADE—

Are Public Markets	455
--------------------------	-----

BONDS (NEGOTIABLE)—

County High School	307
Drainage	295
Home Building Department	362
For Joint County and County Seat Building	262
Land Settlement	507
Municipal Refunding	437
By Municipal Corporations for Sewerage	440
Municipal Special Assessment	442
Soldiers' Compensation Act	502

BONDS—(NEGOTIABLE)—Continued.

	Page
State Cement Commission Bonds	519
State Highway Bonds	525
State Highway Bonds Exempt From Taxation	211
By Townships for Waters	540

BONDS (OFFICIAL)—

Commissioner of Agriculture	282
Deputy Commissioner, Public Printing	457
County Highway Superintendent	527
Dipping-Vat Inspector	531
Food and Drug Commissioner	348
Land Settlement Commissioner	507
Public Administrator	338
Scale Inspectors	460
Secretary, Board of Chiropractors	235
Secretary, Dental Examiners	286
Secretary, Historical Society	529
Soldiers' Compensation Board	502
By State Bonding Department	516
State Highway Commissioners	525
State Live Stock Sanitary Board	533
State Sheriff	520
Appropriation for Premium, State Treasurer's Bond	200
Superintendent of Banks	225
Assistant Superintendent of State Capitol	519

BOUNTIES—

See Wolf Bounties.	
On Pocket Gophers, Crows and Magpies	257

BREAD—

Standard Weights of Loaf	347
Wrapping	347
Sanitary Containers	347
Penalties	348

BRIDGES—

State Bridge Tax	211
------------------------	-----

BROOKINGS—

Bond Election and Bond Issue Legalized	136
--	-----

BUDGET BOARD—

See State Budget Board.

BUREAU OF PUBLIC PRINTING—

General Appropriation	151
-----------------------------	-----

BYRNE, EX-GOVERNOR—

Appropriation for Portrait	174
----------------------------------	-----

CAPITOL—

See State Capitol.

CARLISLE, F. P.—

Appropriation for Assessment	157
------------------------------------	-----

CARRIERS—

Common Carriers Defined	229
-------------------------------	-----

CEMENT COMMISSION—

See State Cement Commission.

CENSUS—

Director	529
As Basis of Salaries	456

CENTRAL HEATING ASSOCIATIONS—

Contracts With Counties, Etc.	230
------------------------------------	-----

CHAMBERS OF COMMERCE—

Are Public Markets	455
--------------------------	-----

	Page
CHARITIES AND CORRECTIONS—	
See Board of Charities and Corrections.	
CHATTEL MORTGAGES—	
Execution	415
Foreclosure, Place of Sale	415
Foreclosure Fees	416
CHILDREN—	
Custody of Minor	446
Dependent, Neglected or Delinquent	230
Probation Officer	230
Procedure	230
Insurance for	382
CHILD WELFARE COMMISSION—	
Appropriation	159
County Child Welfare Board	232
CHIROPRACTORS—	
Board of Examiners	233
Terms of Office	233
Meetings	233
Applicants for Examination	233
Examinations	233
Existing Practitioners	234
Licenses Refused and Revoked	234
Definition of Chiropractic	234
Rules Governing Chiropractors	234
Misdemeanor	234
Expenses of Board	235
Licenses of Other States	235
Construction of Act	235
CIRCUIT COURT—	
Actions for Compulsory Education	298
Appeals from Commissioner of Insurance	380
Drainage, Two or More Counties	293
Nonpolitical Nomination and Election of Judges	231
CIRCUIT JUDGES—	
General Appropriation	149
Acting in Other Circuit	274
Additional Judge, 11th Circuit	271
CITIES—	
See Municipal Corporations.	
Joint Building With County.	262
CITIZENSHIP DAY—	
Created	235
CITY ASSESSORS—	
Compensation in Certain Cases	209
CITY AUDITOR—	
Duties, Home Building Department	366
CITY MANAGER—	
Terms of Act	425
CIVILIAN REHABILITATION—	
Appropriation	159
CIVIL WAR VETERANS—	
Appropriation	161
CLERK OF COURTS—	
Fees, Vital Statistics	546
Duty, Probation Officer	230
Compensation, Attached Unorganized County	272
Salary, Unorganized County Attached	272
COAL MINING COMMISSION—	
Appropriation	161
Appropriation	161

	Page
COLLEGE OF AGRICULTURE—	
See State College of Agriculture, Etc.	
COMMISSION—	
To Take Depositions	272
COMMISSIONER OF AGRICULTURE—	
Powers and Duties	282
COMMISSIONER OF IMMIGRATION—	
Member, Land Settlement Board	507
COMMISSIONER OF INSURANCE—	
Appointment, Residence, Salary	384
Authority Over Dilapidated or Neglected Buildings	380
Hearing	380
Appeal	381
Failure to Obey Order	381
Penalty	382
Bank Burglary Insurance, Rates	380
Review by Circuit Court, Hughes County	380
Mutual Companies	392
Valuation of Securities	398
Duties, State Bonding Department	516
State Hail Insurance	385
State Hail Insurance	386
Threshers' Liability Insurance	557
COMMISSIONER OF PUBLIC PRINTING—	
Deputy	457
COMMISSIONER OF SCHOOL AND PUBLIC LANDS—	
General Appropriation	149
Duty, Appropriation for Common Schools	179
Beds of Navigable Waters	490
Duty, Rodent Pests Act	468
COMMON CARRIER—	
Defined	229
COMMUNITY CENTERS—	
Authorized	236
Petition	237
Date and Place of Election	237
Notice of Election	237
Election	237
Election Expense	237
Officers	238
Meetings	238
Purposes	239
COMPULSORY EDUCATION—	
Regulations	298
CONDEMNATION PROCEEDINGS—	
See Eminent Domain.	
Trials	326
CONSOLIDATED SCHOOL DISTRICTS—	
Formation	303
CONSTITUTIONAL AMENDMENTS, PROPOSED—	
Constitution, Article III, Section 1	239
Article IX, Section 1	240
Article XI, Section 10	240
Article XXI, Section 2	241
Ballots	327
CONTRACTOR—	
When Guilty of Embezzlement	325
CO-OPERATIVE ASSOCIATIONS—	
Shares	245
Capital Investment	245

	Page
CORN—	
Lien for Shellers	409
CORN AND GRAIN ASSOCIATION—	
Appropriation	153
CORPORATIONS—	
Acknowledgments by, Form of	134
Annual Reports (Foreign Corporations)	250
Articles of Incorporation	242
Place of Assessment of Certain	209
Benevolent Corporations.	
By-Laws	243
Officers and Directors	243
Religious and Educational Corporations.	
Property Limited	243
Co-Operative Associations—Shares	245
Investment of Capital	245
Election of Directors	248
Dissolution, Settlement of Affairs	247
How Dissolved	246
Fees to Secretary of State	493
Foreign Corporations	248
Fraternal, Benevolent, Charitable,	
Amendment of Articles	244
Subscribed and Acknowledged	244
Mutual Insurance	392
Mutual Companies Other Than Life Insurance	392
County Mutual Fire Insurance Companies	384
Religious, Benevolent, Etc.	
Contracts With Central Heating Association	230
Consolidation of Telegraphs and Telephones	539
Uniform Stock Transfer Act.	
How Shares Transferred	252
Minors and Fiduciaries	253
Registered Holder	253
Title form Certificate	253
Who May Deliver	253
Fraud, Duress, Mistake, Etc.	253
Recession of Transfer	253
Transfers by Transferee in Possession	254
Delivery Unindorsed	254
Ineffectual Transfer a Promise	254
Warrantees	254
No Implied Warranty, When	254
Attachment or Levy	254
Creditors' Remedies	255
Lien or Restriction on Certificate	255
Alteration of Certificate	255
Lost or Destroyed Certificate	255
Cases Not Provided For	255
Interpretation of Act	255
Definition of Indorsement	255
Definition of Persons Appearing to be Owner	256
Other Definitions	256
Act Does Not Apply to Existing Certificates	256
Repeals	256
Name of Act	256
COUNTIES—	
See Also Unorganized Counties.	
Appeals from County Commissioners	257
Official Bonds, State Department	516
Bounties on Pocket Gophers, Crows and Magpies	257
Proposed Constitutional Amendment	240
Exhibits at State Fair	265
County Free Libraries	260
Funds Deposited Within State	452
Funds, Temporary Transfer	453
Hanson County, Funds	453
Access to Highways Over Drains or Elevations	359

COUNTIES—Continued.

	Page
Destruction of Insect Pests	257
Joint Building With County Seat	262
Quarterly Statement of Auditor and Treasurer	265
Rewards for Criminals	264
Foreclosure of School Fund Mortgages	489

COUNTY AGENT—

Destruction of Insect Pests	258
-----------------------------------	-----

COUNTY ASSESSORS—

Compensation	209
--------------------	-----

COUNTY AUDITOR—

Assessment, Abandoned Buildings	380
Duty, Citizenship Certificates	235
Duty, Community Centers	236
Duty, Mothers' Pensions	416
Quarterly Statement	265
Duty, Rodent Pests Act	468
Duty, School Fund Mortgages	489
School Text Books	318
School Text Books	320
Duty, State Hall Insurance	387

COUNTY BOARD OF INSANITY—

Duties, Feeble Minded	344
-----------------------------	-----

COUNTY CHILD WELFARE BOARD—

Created	232
Duties	232
Cooperation	232

COUNTY COMMISSIONERS—

Appeals From	257
Compensation of Assessors	209
Bounties on Pocket Gophers, Etc.	257
County Bridges	526
Contracts With Central Heating Associations	230
Designate Place of Chattel Mortgage Sale	415
Duty, Citizenship Day	235
Compensation	266
Employ County Highway Superintendent	527
County Child Welfare Board	232
Dipping-Vats	531
Drainage	287
Drainage Assessments	294
Drainage Bonds	295
Drainage Law	288
Drainage Petition	296
Tax Levy for Exhibition Buildings	264
Exhibits, State Fair	265
Expenses, County Superintendent of Schools	315
Destruction of Insect Pests	258
County Free Libraries	260
County High Schools	307
Highway Superintendent	527
Joint County and City Building	262
Duty, Mothers' Pensions	416
Regulation of Public Dance Halls	449
Publication of Proceedings	267
Rewards for Criminals	264
Extermination of Rodent Pests	468
Special Agents, States Attorney	536
Duty, Division of School Districts	314
School Text Books	320
Duty as to Attached Unorganized County	214
School Tax Levy When District Board Neglects	316
Wolf Bounties	549

	Page
COUNTY COURT—	
Actions for Compulsory Education	300
Claims Against Estates Barred	268
Decree of Distribution	338
Escheats	336
Small Claims	278
Nonpolitical Nomination and Election of Judges	331
Orders Legalized	136
Probate Proceedings Legalized, in Case of Patents to Heirs	275
Probate Notices	269
Probation Officer	230
Procedure, Neglected and Delinquent Children	230
COUNTY FREE LIBRARIES—	
Authorized	260
Board of Trustees	260
Trustees Qualify	260
Duty of Trustees	261
Tax Levy	261
Existing Libraries	261
Annual Reports	262
COUNTY HIGH SCHOOLS—	
Authorized	307
Petition, Election	308
County High School Board	308
Compensation, Meetings	309
Powers and Duties	309
Additional Powers	310
Teachers, Course of Study	311
Independent Districts	311
COUNTY HIGHWAY SUPERINTENDENT—	
County Budget for Bridges	526
Salary, Bond, Duties	527
COUNTY <u>INSANITY</u> BOARD—	
Is County Commission on Feeble Minded	344
COUNTY JUDGE—	
Member, County Child Welfare Board	232
Duty, Escheats	336
Disputes, High School Tuition	321
Duty, Mothers' Pensions	416
COUNTY MUTUAL FIRE INSURANCE—	
Companies	384
COUNTY PHYSICIAN—	
Examination of Neglected and Delinquent Children	236
COUNTY PROBATION OFFICER—	
See Probation Officer.	
Duty, Public Dances	419
COUNTY SEATS—	
Joint Building With County	262
COUNTY SUPERINTENDENT OF HEALTH—	
Member, County Child Welfare Board	232
COUNTY SUPERINTENDENT OF SCHOOLS—	
Member, County Child Welfare Board	232
Duty, Compulsory Education	298
Consolidated Districts	303
Abandonment of Consolidated School	301
County High Schools	307
Duty, Districts Discontinued	321
<u>Non-Resident</u> Students in High School	321
Duty When District Fails to Hold School	316
Mileage and Expenses	315
Deputy	315
Duty, Division of School Districts	314
Duty, Text Books	318
Duty, Text Books	320
Duty, Transportation of Pupils	312

Page

COUNTY SURVEYOR—	
Township Artesian Wells	208
COUNTY TREASURER—	
County High Schools	307
Duty, Home Building Department	367
Duty, Motor Vehicles	421
Motor Vehicle License Fees	422
Quarterly Statement	265
Duty, Resident Hunter's License	356
Division of School Districts	314
Duty, School Fund Mortgages	482
Duty, Appropriation for Common Schools	179
Duties, State Funds	523
COUNTY TRUANCY OFFICER—	
County Superintendent	299
COURTS—	
Appeals from County Commissioners	257
Compensation of Clerk	270
Dissolution of Corporations	246
Authority Over Dissolved Corporations	247
Depositions in Criminal Cases	547
Uniform Foreign Depositions Act	548
Commission to Take Depositions	272
Examination of Injured in Personal Injury Actions	273
Circuit Judges Acting in Other Circuits	274
Judgment Notwithstanding Verdict	274
Fees of Jurors	276
Additional Judge, 11th Circuit	271
Jurors	276
Limitation of Actions	410
Motion for New Trial	277
Circuit Court, Lands Patented to Heirs	275
Photographs and Measurements of Suspects and Convicts	277
Privileged Communications	543
Procedure in Case of Small Claims.	
Rules by Supreme Court	278
Procedure	278
Trials	279
Separate Trials	279
Transfer to Civil Docket	279
Actions Begun by Summons, Costs	279
Writ of Prohibition	558
Terms, Second Circuit	269
Terms, Third Circuit	270
Terms, Eighth Circuit	270
CRIMES—	
Fines in Certain Cases	346
CRIMINAL PROCEDURE—	
Photographs and Measurements	277
CROWS—	
Bounty on	257
CURATIVE ACTS—	
See Acts Legalized.	
CUSTER COUNTY—	
Bond Issue Legalized	137
CUSTER SANITARIUM—	
See State Sanitarium.	
CUSTER STATE PARK—	
Boundaries	280
Control	280
Laws Applicable	280
Leases	280
Hunting	281

CUSTER STATE PARK—Continued.

	Page
Penalty	281
General Appropriation	149
Appropriation for Lands	162
Appropriation	163
Powers of Board	281
CUSTODIAN—	
Of State Capitol	519
Of State Capitol. On Certain Board	405
DAIRY COMMISSION—	
General Appropriation	153
DAIRYMEN AND BUTTER MAKERS ASSOCIATION—	
General Appropriation	153
DAMAGES—	
Examination of Injured	273
For Trespass of Animals	540
DANCING—	
Public	449
Regulation by Municipal Corporations	435
DEER—	
Hunting	355
DELINQUENT CHILDREN—	
See Children.	
DELMONT—	
Bonds, Independent District Legalized	138
DENATURED ALCOHOL—	
See Intoxicating Liquor.	
DENTISTRY—	
Board of Examiners	285
Officers	286
License	286
License of Other States	287
DEPARTMENT OF AGRICULTURE—	
Appropriation	163
Created	282
Duties	283
Director of Marketing Superseded	284
Publicity	284
Fees	284
Expenses	284
Transfer of Funds to	285
DEPARTMENT OF BANKING AND FINANCE—	
General Appropriation	149
See Banks and Banking.	
DEPARTMENT OF HISTORY—	
General Appropriation	150
Superintendent	529
DEPARTMENT OF MARKETING—	
Appropriation	164
Appropriation	164
General Appropriation	150
Powers to Department of Agriculture	284
Transfer of Funds to Department of Agriculture	285
DEPENDENT CHILDREN—	
See Children.	
DEPOSITARIES—	
Active Depositaries, State Funds	511

	Page
DEPOSITIONS—	
Commission to Take	<u>372</u>
In Criminal Cases	<u>547</u>
Uniform Foreign Depositions Act	<u>548</u>
DIPPING VATS—	
Construction	<u>531</u>
Inspector	<u>531</u>
Fees	<u>532</u>
DISCHARGE—	
Certificate of, Recorded	<u>466</u>
DISLOYALTY—	
Disqualifies Teacher	<u>317</u>
DRAINAGE—	
Access to Highways	<u>359</u>
Assessments	<u>294</u>
Bonds	<u>295</u>
James and Big Sioux Valley Drainage Commission	<u>297</u>
Petition	<u>296</u>
Power of County Commissioners	<u>287</u>
Inspection of Proposed Route	<u>288</u>
Engineer's Report, Notice of Hearing	<u>289</u>
Hearing Petition	<u>289</u>
Equalization of Benefits	<u>290</u>
Bids, Specifications, Contracts	<u>291</u>
Assessment for Maintenance	<u>292</u>
Powers Defined	<u>292</u>
Drainage in Two Counties	<u>292</u>
Notices, How Served	<u>294</u>
DRAINS—	
Access to Highways Over	<u>359</u>
DRUGS—	
Adulterated, Defined	<u>346</u>
DYING DECLARATIONS—	
Admissible in Evidence, When	<u>339</u>
EASTERN SOUTH DAKOTA STATE NORMAL SCHOOL—	
Formerly Madison Normal	<u>445</u>
EDUCATION—	
Oath of Allegiance by Teachers	<u>317</u>
Disloyalty Disqualifies Teacher	<u>317</u>
Appropriation from Fund Authorized by Chapter <u>49</u> , Laws of 1919	<u>180</u>
Appropriation for Civilian Rehabilitation	<u>169</u>
Appropriation or Aid of Common Schools	<u>179</u>
Appropriation for Rural School Building Plans	<u>176</u>
Compulsory Education	<u>302</u>
Compulsory	<u>298</u>
Truancy Officers	<u>299</u>
Excuses	<u>299</u>
Reports and Notices	<u>300</u>
Delinquency	<u>300</u>
Method of Enforcement	<u>300</u>
Penalty	<u>301</u>
Duty, Superintendent of Public Instruction	<u>301</u>
Supervision of Private Instruction	<u>302</u>
Consolidated Districts.	
Formation	<u>303</u>
Abandonment of Consolidated School	<u>304</u>
County High Schools	<u>307</u>
County Superintendent	<u>315</u>
Deputy	<u>315</u>
In Other Than English Language	<u>306</u>
School District Funds Deposited Within State	<u>452</u>
School District Tax Levy	<u>316</u>
School Districts, Division	<u>314</u>
State Aid, Consolidated Districts	<u>180</u>
Laws—37.	

EDUCATION—Continued.

	Page
State Aid for Rural and Consolidated Schools	311
Teachers, Oath of Allegiance	317
Text Books,	320
County Text Book Committee	318
Meeting of Committee	318
Selecting Text Books	319
Notice of Meeting	319
Contract for Books	319
Bribery Prohibited	319
Independent Districts	320
Training of Teachers, State Aid	317
Transportation of Pupils	312
Tuition	321
Districts Discontinued	321
Vocational Education	322
Federal Aid Apportioned	323
Rules and Regulations	323

EFFICIENCY SURVEY—

Appropriation	165
Of State Government	524

ELECTIONS—

See Also Primary Elections.	
Ballots on Constitutional Amendments, Etc.	327
Campaign Expenses	328
Campaign Expenses, Political Committee	329
Precincts—Division	334
Election Precincts for Towns and Adjacent Territory	335
Electioneering Prohibited	330
Ballots, How Received	330
Ballots, How Cast	330
Electors Who Move From Precinct Within 30 Days Prior to Election	321
Non-political Judiciary	321
General Provisions	331
Nominations	332
Declaration of Candidate	332
When Primary Vote Unnecessary	332
Separate Ballots	332
Filling Vacancies	333
Ballot at General Election	334
General Election Laws Applicable	334
Municipal Registration	438
Political Advertising	335

ELECTRIC LINES—

Wires Across Highways	360
-----------------------------	-----

EMBALMING—

State Board of Embalmers	325
--------------------------------	-----

EMBEZZLEMENT—

Trustee, Guilty of	325
--------------------------	-----

EMBLEMS—

Of Fraternal Societies	343
------------------------------	-----

EMERGENCY BUILDING FUND—

Appropriation	452
---------------------	-----

EMINENT DOMAIN—

Right of, By Common Carriers	229
Trials in Condemnation Proceedings	326

ENGLISH LANGUAGE—

Instruction in	306
----------------------	-----

ESTATES OF DECEDENTS—

Letters of Administration	337
Decree of Distribution	338
Claims Barred	268
Partition and Distribution	329

	Page
ESCHEATS—	
How Determined	336
EVIDENCE—	
Dying Declarations	339
EXCHANGES—	
Are Public Markets	455
EXECUTIVE ACCOUNTANT—	
General Appropriation	149
Duties	340
Compensation	340
Seal	341
Duties, State Bonding Department	516
EXPERIMENTAL STATIONS—	
General Appropriation	153
EXPERTS—	
Efficiency Survey	524
EXPLOSIVES—	
Destruction of Property by	411
Attempt to Do Same	412
EXTRADITION—	
Of Persons of Unsound Mind	341
Definitions	341
Persons Subject to Act	342
Procedure	342
Limitation	342
Interpretation	342
FAIR—	
See State Fair.	
FAIR CITY SUPPLY CO.—	
Appropriation	193
FALL RIVER COUNTY—	
Appropriation for Assessment, Shannon County	157
FALSE PERSONATION AND CHEATS—	
Army Badges	343
Fraternal Society Emblems	343
FEEBLE MINDED—	
State Commission to Control	344
Segregation	344
Rules and Regulations	344
County Commission	344
State Survey	344
Appropriation	345
FEDERAL PARKS—	
Closing of Gates	446
FEEES—	
Chiropractic Examinations	233
Dental Examiners	286
Dipping-vat Inspector	531
Foreclosure, Chattel Mortgages	416
Jurors	276
Justice of the Peace	406
Medical License From Other States	512
Motor Vehicle License	421
Motor Vehicle License	422
Physicians, Workmens' Compensation Law	553
Public Dance Halls	450
Scale Inspection	460
Secretary of State	493
Secretary of State, Annual Report of Foreign Corporations	248
Securities Commission	494
Sheriffs	500
Sheriff, Trespass of Animals	540
Vital Statistics	546

	Page
FELONY—	
Destruction of Property by Fire or Explosives	411
Destruction of Building by Explosives	412
Endangering Human Life by Explosives	412
Entering a Bank With Intent to Commit Felony	224
False Application, Home Building Department	387
False Statement, Motor Fuel Tax	420
False Statement, Securities Commission	499
Violation, Securities Commission Act	500
Sacramental Wine Act, Second Offense	403
FEMALE MINORS—	
Abduction	134
FENCES—	
A Legal Fence	345
FINES—	
In Criminal Actions	346
FIRE—	
Destruction of Property by	411
Attempt to Do Same	412
FIREMEN—	
Transportation Rates to Tournaments	465
FIREMEN'S TOURNAMENTS—	
Appropriation	194
FISCAL YEAR—	
Of Municipal Corporations	429
FLAG—	
Display on Mother's Day	404
FOOD AND DRUG COMMISSIONER—	
Member, Alcoholic Preparations Commission	399
FOOD AND DRUGS—	
General Appropriation	150
Adulterated Drugs Defined	346
Commissioner	348
Deficiency Appropriation	165
Deficiency Appropriation	166
Sale of Denatured Alcohol	400
Hotel License	349
Regulations for Sale of Bread	347
Food Production.	
Buildings to be Lighted, Ventilated, Etc.	350
Unsanitary Conditions	350
Same	350
Screens	351
Toilet Rooms	351
Nuisance	351
Cuspidors	351
Expectorating—Hands Washed	352
Sleeping in Work Rooms	352
Employees Affected With Infectious Disease	352
Duties, Food and Drug Commissioner	352
Prima Facie Evidence	353
Decomposed Substances	353
Penalties	353
FOREIGN CORPORATIONS—	
File Copy of Charter	248
File Annual Report	248
FOREST SERVICE—	
Use of Fire Tools	455
FRATERNAL BENEFIT SOCIETIES—	
Children Insurance	382

	Page
FRATERNAL CORPORATIONS—	
Contracts with Central Heating Associations	230
FRATERNAL SOCIETIES—	
Emblems	343
FREE LIBRARY COMMISSION—	
General Appropriation	149
Duties, County Act	260
FORT PIERRE—	
Bond Issue Legalized	138
FUNDS—	
See Public Funds.	
GAME AND FISH—	
Hunting by Aliens	354
Hunting Big Game	354
Commission Not Subject to Section 3977	447
Hunting in Custer State Park	280
Hunting Deer	355
Deputy Wardens	355
Resident Hunter's License	356
Theodore Roosevelt Game Refuge	357
Area	357
Prohibitions	358
Permit	358
Penalty	358
GAME PRESERVES—	
Closing of Gates	446
Trespass of Animals	447
G. A. R.—	
Badges	343
GARNISHMENT—	
In Municipal Courts	444
GOVERNOR—	
General Appropriation	150
Appoints Board of Chiropractic Examiners	233
Board of Health in Unorganized Counties	513
Appoints Two Members, Budget Board	515
Governor-elect, Member Budget Board	516
Duty, Citizenship Certificates	235
Appoints Commissioner of Agriculture	282
Appoints Commissioner of Insurance	384
Duties, Custer State Park Board	281
Efficiency Survey	524
Authority, Emergency Building Fund	452
Duty, Escheats	337
Extradition of Persons of Unsound Mind	341
Appoints Feeble Minded Commission	344
Expends Great Lakes-St. Lawrence Tidewater Appropriation	166
Duties, Home Building Department	362
Approves Appointment, Deputy Industrial Commissioner	556
Member James and Big Sioux Valley Drainage Commission	297
Member, Land Settlement Board	507
Appoints Commissioners	507
Proclamation for Display of Flag on Mother's Day	401
Actions, Navigable Waters Beds	430
Appoints Parole Officer	510
Appoints State Board of Charities and Corrections	510
Duty, Soldiers' Compensation Act	502
Appoints State Board of Dental Examiners	285
Appoints State Board of Embalmers	325
Appoints State Food and Drug Commissioner	348
State Hall Insurance	385
Duty, State Highway Bonds	525
Member, State Highway Commission	526
Duty, State Industrial School	529

GOVERNOR—Continued.

	Page
Authority, State Revenue Warrants	535
Appoints State Sheriff	520
Appoints Superintendent of Banks	225
Duty, Unorganized Counties	544

GREAT LAKES-ST. LAWRENCE TIDEWATER ASSOCIATION—

Appropriation	166
---------------------	-----

GUARANTY FUND COMMISSION—

See Banks and Banking.

GUARDIANS—

Notice for Sale of Real Estate	359
--------------------------------------	-----

GUARDIANSHIP—

Defective Proceedings Legalized	139
---------------------------------------	-----

HAIL INSURANCE—

State, Amendments	386
Borrowing Money in Anticipation of Collections	385

HANSON COUNTY—

Temporary Transfer of Funds	453
-----------------------------------	-----

HARROLD—

Consolidated School District Legalized	140
--	-----

HART TABLE CONSOLIDATED SCHOOL DISTRICT—

Bond Issue Legalized	140
----------------------------	-----

HIDES—

Of Branded Slaughtered Cattle	412
-------------------------------------	-----

HIGH SCHOOLS—

County	307
--------------	-----

HIGHWAY COMMISSION—

See State Highway Commission.

HIGHWAYS—

Access to Where Drains or Elevations	359
Electric Wires Across	360
Interference With Signs	361

HISTORICAL DEPARTMENT—

See Department of History.

HISTORICAL SOCIETY—

Secretary	529
-----------------	-----

HOLIDAYS—

Declared	361
Memorial Day is Citizenship Day	235

HOME BUILDING COMMISSIONER—

Powers and Duties	362
-------------------------	-----

HOME BUILDING DEPARTMENT—

Appropriation	195
Created	362
Purpose	362
Powers of Board	362
Home Building Commissioner	362
Bond Issue	362
Assets a Trust Fund	363
Limit of Bonds and Warrants	363
Tax Commission	363
Proceeds of Tax Levy	363
Receipts Paid to State Treasurer	363
State Treasurer, Duties	363
Funds Subject to Provisions of Law	364
Home Building Expense Fund	364
Loans	364
Application for Loan	365

HOME BUILDING DEPARTMENT—Continued.

	Page
Application Approved by Municipal Board	366
Loans, How Payable	366
Default in Payment	366
Mortgages, Satisfactions, Abstracts of Title	366
Assumption of Mortgage	367
Exemption from Taxation	367
Actions by and Against State	367
No Loans to County or State Officer	367
Violation of Duty, Penalty	367
 HOME FOR FEEBLE—	
See State School and Home for Feeble Minded.	
 HOMICIDE—	
Dying Declarations	339
 HOMESTEAD—	
Conveyance or Incumbrance	368
 HORTICULTURE—	
Society, Appropriation	153
 HOSPITAL FOR INSANE—	
See Yankton State Hospital.	
 HOTELS—	
License	349
 HOTELS AND RESTAURANTS—	
Defined	368
License	369
Inspection	369
Halls	370
Violations, Penalties	370
 HUDSON—	
Bond Issue Legalized	141
 HURON—	
School Bond Election Legalized	142
 HUSBAND AND WIFE—	
Privileged Communications	548
 HYDRO-ELECTRIC POWER PLANTS—	
Initiated Measure Submitted	371
 IDENTIFICATION—	
Of Suspects and Convicts	277
 IMMIGRATION COMMISSION—	
General Appropriation	150
 INDEPENDENT SCHOOL DISTRICTS—	
School Text Books	318
 INDUSTRIAL COMMISSIONER—	
General Appropriation	150
Deputy, Salary	556
Hearings, Board of Arbitration	552
Threshers Liability Insurance	557
Duty, Vocational Education	322
 INITIATIVE AND REFERENDUM—	
Ballots	327
Measure for Bank of South Dakota Submitted	215
Measure Repealing Code Section 3853 Submitted	537
Proposed Constitutional Amendment	239
Hydro-Electric Power Plants	371
In Municipal Corporations	430
Measure to Repeal State Constabulary Submitted	521
Measure to Remove University from Vermillion to Sioux Falls	543
 INSANE—	
See Yankton State Hospital.	
Extradition of	341

	Page
INSECT PESTS—	
Destruction	258
INSPECTION—	
Of Scales	458
INSPECTOR OF MINES—	
Expenses	414
INSURANCE—	
Accident and Health, Affect What	379
Authority Over Dilapidated or Neglected Buildings	380
Bank Burglary	380
Commissioner of Insurance	384
County Mutual Fire Companies	384
Fraternal Benefit Societies	382
Insurance for Children	382
Medical Examination	382
Reserve to be Maintained	383
Separate Financial Statement	383
Expense Payments	383
Termination of Membership	383
Life, Health and Accident.	
Investment of Funds	391
Mutual Companies, Except Life.	
Organization	392
Articles of Incorporation	392
Name	392
Articles Approved, Corporate Records	393
Operation, By-Laws	393
Powers	393
Restrictions	394
Other Corporations Insured	395
Votes, Withdrawals, Cancellations	395
Policies	395
Advances to Company	395
Reserves	395
Forms of Policies	396
Foreign Companies	396
Laws Applicable to Domestic and Foreign Companies	396
Other Laws Inapplicable	397
Taxation	397
Reinsurance	397
Existing Companies May Come Under This Act	397
Penalty for Violation	397
Not to be Reorganized as Stock Company	398
Dissolution	398
Saving Clause	398
State Hall Insurance	385
State Hall Insurance	386
Threshing Machines	557
Valuation of Securities	398
INTOXICATING LIQUOR—	
Unsuitable for Beverage	399
Alcoholic Preparations Commission	399
Penalties	399
Denatured Alcohol.	
Defined	400
Label	400
Food or Drink Containing	401
Food and Drug Commissioner	401
Penalty	401
Druggist's Permit	401
Druggist's Report	401
Sacramental Wine	401
Permit	402
Purchase Without State	403
Shipment	403
Possession	404
Penalty	405

	Page
INVESTMENT COMPANIES—	
Defined	494
ISLANDS—	
In Navigable Waters	190
JAMES AND BIG SIOUX VALLEY DRAINAGE COMMISSION—	
Created	297
JOINT DEBATES—	
See Primary Elections.	
JOINT RESOLUTION—	
For Display of Flag on Mother's Day	404
For Publication of Laws of Special Sessions	405
Disposal of Useless Books, Etc., in State House	405
Proposed Amendment, Constitution Article III, Section 1	239
Proposed Amendment, Constitution Article IX, Section 1	240
Proposed Amendment, Constitution Article XI, Section 10	240
Proposed Amendment, Constitution Article XXI, Section 2	241
JUDGES—	
Non-political Nominations and Elections	331
JUDGMENTS—	
Notwithstanding Verdict	274
JURORS—	
Disqualification	276
Fees	276
JUSTICE OF THE PEACE—	
Small Claims	278
Fees	406
Fees, Vital Statistics	546
In Municipalities	430
As to Unorganized Counties	545
LEASES—	
Limit of Duration	407
LEGAL HOLIDAY—	
See Holiday.	
LEGALIZING ACTS—	
See Acts Legalized.	
LEGISLATIVE EXPENSE—	
Appropriation for Special Session, 1920	167
Appropriation for 17th Session	168
LEGISLATURE—	
Deficiency Appropriation 1920 Special Session	167
Appropriation, Extra Expense 1921 Session	169
Appropriation for Printing, Etc.	169
Appropriation for Portraits	170
Appropriation for Expense of Members	170
Apportionment	408
Expense Allowance for Members	408
Republication, Laws Special Sessions	405
LETTERS OF ADMINISTRATION—	
Escheats	337
LIBRARIES—	
County	260
LIBRARY COMMISSION—	
General Appropriation	149
LICENSE TAX—	
On Motor Fuel	418
LIENS—	
Mechanics' Liens, Extent	409
Threshers of Grain and Shellers of Corn	409
Trespass of Animals	540
See Uniform Sales Act.	

	Page
LIMITATION OF ACTIONS—	
Within 8 Years	410
Within 3 Years	411
LIVE STOCK SANITARY BOARD—	
See State Live Stock Sanitary Board.	
MADISON NORMAL—	
General Appropriation	154
Appropriation	171
Certain Funds Consolidated and Reappropriated	162
Name Changed	445
MAGPIES—	
Bounty on	257
MALICIOUS MISCHIEF—	
Destruction of Property by Fire or Explosives	411
Attempt to Do Same	412
MARKET COMMISSION—	
General Appropriation	150
MARKETING—	
See Department of.	
MARKETS—	
See Public Markets.	
MARKS AND BRANDS—	
Hides of Branded Cattle Slaughtered	412
Cancellation of Conflicting Brands	413
MEASUREMENTS—	
Of Convicts and Suspects	277
MECHANICS' LIENS—	
Extent and Amount of	409
MEMORIAL BUILDING—	
County and County Seat	262
MEMORIAL DAY—	
Is Citizenship Day	235
MENNO—	
Refunding Bonds Legalized	142
MINE INSPECTOR—	
General Appropriation	151
MINES AND MINING—	
Inspector, Expenses	414
MINORS—	
Abduction of Females	134
Custody of	446
MISDEMEANOR—	
Unlawful Wearing of Army Badges	343
Using Cancelled Brand	413
Violation, Bread Act	347
Violation of Chapter 359, Laws of 1921	492
Violation of Chiropractic Act	234
Violation of Compulsory Education Law	301
Sale of Denatured Alcohol	400
Violation of Section 7273, Elections	330
Instruction in Other Than English Language	306
Use of Fire Tools, Forest Service	455
Violation, Food Production Act	350
Electric Wires Across Highways	360
Interference With Highway Signs	361
Violation of Duty, Home Building Department	367
Violation, Hotel License Act	349
Hotel and Restaurant Inspection	370

MISDEMEANOR—Continued.

	Page
Hunting by Aliens	354
Hunting Big Game	354
Hunting Deer	355
Hunting in Custer State Park	280
Violation, Insect Pest Act	258
Refusal to Obey Order of Commissioner of Insurance	380
Violation, Mutual Insurance Act	392
Violation, Motor Fuel Tax	418
Violation, Navigable Waters Act	490
Closing Park Gates	446
Laying Out of Poisons	447
Violation, Political Advertisement Act	335
Violation, Public Dance Hall Act	443
Violation, Public Market Act	455
Violation, Railroad Rates to Firemen's Tournament	465
Misuse of Rental Storage Batteries	467
Violation, Sacramental Wine Act	404
Violation, Scale Inspection	462
Violation, Scale Inspection	458
School Text Book Law	318
Violation, Securities Commission Act	494
False Application, Soldiers' Compensation Act	506
Violation, Stock Yards Act	463
Violation, Theodore Roosevelt Game Refuge	357
Trespass of Animals in State Park	447
Wolf Bounty Act	549
MORATORIUM—	
Partial Repeal	414
MORTGAGES—	
See Chattel Mortgages.	
Execution of Chattel Mortgages	415
Foreclosure of Chattel Mortgages	415
Foreclosure Fees	416
Deficiency on Foreclosure as Claim Against Estate of Decedent	268
School Fund, Foreclosure	489
MOTHERS' DAY—	
Proclamation for Display of Flag	404
MOTHERS' PENSIONS—	
Allowance	416
When Allowance Ceases	417
Tax Levy	417
MOTOR FUEL—	
Defined—Tax On	418
MOTOR VEHICLES—	
Motor Fuel Tax	418
Inspection	418
Monthly Reports	418
Tax Paid by Whom	419
Regulations by State Auditor	419
Penalties	420
Application for Registration	420
Registration Fee	421
Disposition of Fees	421
When Act Takes Effect	422
License Fees	422
MOTOR VEHICLE FUND—	
Distribution	471
MUNICIPAL CORPORATIONS—	
Vacancy, Alderman	443
Annual Appropriation Ordinance	424
Special Appropriation Ordinance	424
Expenditures Limited by Appropriation	425
Appropriation Prior to Contract	425
Special Assessments, Sewers	440

MUNICIPAL CORPORATIONS—Continued.

	Page
Special Assessments	442
Special Assessment Bonds	442
Special Assessment Certificates	443
Auditor or Clerks Financial Reports	439
Official Bonds, State Department	516
Refunding Bonds	437
Buildings Dilapidated or Neglected	380
Employing City Manager	425
Powers of City Manager	425
Powers of Mayor	426
Code Sections Inapplicable	426
Appointment of Officers	426
Recall of Mayor or Member	427
Regular Meetings	427
Mayor and Members, No Compensation	427
Increase in Number of Commissioners	427
Act Applies	427
Code Section 6231 Amended	427
Code Section 6236 Repealed in Part	428
Code Section 6235 Repealed	428
Proposed Constitutional Amendment	240
Contracts	428
Contracts With Central Heating Associations	230
Registration for Elections	438
Fiscal Year	429
Change of Form of Government	429
Funds Deposited Within State	452
Duties, Home Building Department	366
Local Improvements by Day's Pay	433
Initiative and Referendum	430
Joint Building With County	262
Justice's Courts	430
Park Boards Created by Ordinance	431
Park Boards—Lands	432
Police	433
Powers	436
Powers of	435
Exercise of Powers	436
Power to Provide Play Grounds	434
Public Dance Hall Act Not Applicable to	449
Sale of Real Estate	437
Resolutions—Passage	439
Sewerage Bonds	440
Street Lighting	435
MUNICIPAL COURTS—	
Small Claims	278
Garnishment in	444
MURDO—	
Bond Issue Legalized	143
MUTUAL INSURANCE COMPANIES—	
Organization and Powers	392
NAVIGABLE WATERS—	
Use of Beds	490
NEGLECTED CHILDREN—	
See Children.	
NEGOTIABLE INSTRUMENTS—	
Notes Given for Medical Treatment	445
NEWSPAPERS—	
Political Advertising	335
NEW TRIAL—	
Motion For	277
NEUWENHUIS, ALBERT—	
Appropriation	172

	Page
NON-POLITICAL JUDICIARY ELECTIONS—	
Nominations and Elections	<u>331</u>
NORMAL SCHOOLS—	
Names Changed	<u>445</u>
NORMAL TRAINING—	
Appropriation, State Aid	<u>152</u>
NORTHERN NORMAL AND INDUSTRIAL SCHOOL—	
General Appropriation	<u>154</u>
Deficiency Appropriation	<u>172</u>
NOTICES—	
Probate Notices	<u>269</u>
NUISANCE—	
In Food Production	<u>350</u>
OATH OF ALLEGIANCE—	
Teachers	<u>317</u>
OFFICERS—	
See Public Officers.	
Appointment to, Preference	<u>507</u>
OIL INSPECTOR—	
Duty Motor Fuel	<u>418</u>
ONIDA—	
Bond Issue Legalized	<u>144</u>
PARAMOUNT ISSUE—	
See Primary Elections.	
PARENT AND CHILD—	
Custody of Minor	<u>446</u>
PARKS—	
See Custer State Park.	
See Also State Parks.	
See Also Public Parks.	
Municipal	<u>431</u>
Municipal	<u>432</u>
Closing of Gates	<u>446</u>
Lands Acquired	<u>432</u>
Trespass by Animals	<u>447</u>
PAROLE OFFICER—	
General Appropriation	<u>155</u>
Appointment	<u>510</u>
Duty	<u>510</u>
Salary	<u>510</u>
PARTY PLATFORM—	
Section Repealed	<u>448</u>
PARTY PRIMARY—	
See Primary Elections.	
PENSIONS—	
See Mothers' Pensions.	
PENITENTIARY—	
See State Penitentiary.	
PERJURY—	
Wolf Bounty Act	<u>549</u>
PHARMACY—	
License	<u>514</u>
PHOTOGRAPHS—	
Of Suspects and Convicts	<u>277</u>

	Page
PHYSICAL EXAMINATION—	
Of Injured	273
PHYSICIANS—	
Fees, Vital Statistics	546
Licenses from Other States	512
POCKET GOPHERS—	
Bounty on	257
POISONS—	
See Rodent Pest Act.	
Destruction of Insect Pests	258
Laying Out	447
POLICE—	
Of Municipal Corporations	433
POLITICAL ADVERTISING—	
Regulations For	335
POSTMASTERS—	
Primary Law Repealed	449
POULTRY—	
Appropriation	153
PRESIDENTIAL ELECTORS—	
Appropriation	175
PRIMARY ELECTIONS—	
Deficiency Appropriation	175
Appropriation	176
Campaign Expenses	328
Campaign Expenses, Political Committee	329
Non-political Judiciary	331
Paramount Issue, Repealed	448
Joint Debates, Repealed	448
Official Indorsement for Appointive Offices	448
Party Platform	448
Political Advertising	335
Postmaster Primary Repealed	449
Publicity Pamphlet	449
PRINTING—	
See Public Printing.	
PRIVILEGED COMMUNICATIONS—	
Between Husband and Wife	548
PROBATION OFFICER—	
Duty, Public Dance Halls	451
Duty and Compensation	230
PROHIBITION—	
Writ of	558
PROMISSORY NOTES—	
Given for Medical Treatment	445
PUBLIC ADMINISTRATORS—	
Powers and Duties	336
PUBLIC CORPORATIONS—	
Community Centers	236
PUBLIC DANCE HALLS—	
License—Application of Act	449
Definition of	450
License—How Procured	450
License Fee	450
Minors	450
Dances Forbidden	450
Lighting Grounds	450
Hours Open	451

PUBLIC DANCE HALLS—Continued.

	Page
Supervision	451
Municipal Corporations Excepted	451
Penalty	451
Regulation by Municipal Corporation	455

PUBLIC FUNDS—

Where to be Deposited	452
Emergency Building Fund	452
Temporary Transfer	453
Temporary Transfer, Hanson County	453

PUBLIC HEALTH—

Venereal Diseases	454
-------------------------	-----

PUBLIC LANDS—

Forest Service Fire Tools	455
---------------------------------	-----

PUBLIC MARKETS—

Defined	455
---------------	-----

PUBLIC OFFICERS—

Bonded by State Department	516
Census as Basis of Salaries	456
Appointment to, Preference	507

PUBLIC PARKS—

Boards Created by Ordinance	431
-----------------------------------	-----

PUBLIC PRINTING—

General Appropriation	451
Deputy Commissioner	457
Transfer of Funds	522

PUBLICATION—

County Proceedings	267
--------------------------	-----

PUBLICITY PAMPHLET—

Section Repealed	449
------------------------	-----

RAILROAD COMMISSIONERS—

General Appropriation	451
Attorney for	460
Consolidation, Telegraphs and Telephones	539
Enforcement of Orders	459
Inspection of Scales	458
Salary of Commissioners	463
Jurisdiction Over Stock Yards	463
Reports, Regulations	464
Enforcing Orders	464
Scale Inspection	460
Warehouse Inspection	461
Scale Inspector	462
Penalty	462

RAILROADS—

Stock Yards	463
Transportation Rate, Firemen's Tournaments	465

RAPE—

Dying Declarations	339
--------------------------	-----

RAPID CITY—

City Manager Elections, Etc., Legalized	145
---	-----

REAL PROPERTY—

Leases	407
Record of Instruments Legalized	146

RECORD—

Of Certain Instruments	466
------------------------------	-----

REFERENDUM—

Municipal Franchises	436
----------------------------	-----

	Page
REFERRED LAWS—	
Ballots	327
REGENTS OF EDUCATION—	
General Appropriation	153
See Also Board of Regents.	
REGISTER OF DEEDS—	
Recording Affidavits	466
Recording Certain Instruments	466
REGISTRATION—	
Of Electors Who Move from Precinct Within 30 Days Prior to Election	331
Municipal	438
RELIGIOUS CORPORATIONS—	
Contracts With Central Heating Associations	230
RELIGIOUS AND EDUCATIONAL CORPORATIONS—	
Property Limited	243
RENTAL STORAGE BATTERIES—	
Misuse of	467
REPRESENTATIVES—	
Apportionment	408
RESOLUTIONS—	
By Municipal Corporations	439
RESTAURANTS—	
License	349
Inspection	368
REWARDS—	
For Criminals	264
RODENT PESTS—	
Extinction	468
ROOMING HOUSE—	
License	349
Inspection	368
ROOSEVELT GAME REFUGE—	
Provisions	357
RURAL CREDIT BOARD—	
Manages Home Building Department	362
RURAL CREDIT COMMISSIONER—	
Duties, Home Building Department	362
Member, Land Settlement Board	507
SACRAMENTAL WINE—	
Purchase and Sale	402
SALARIES—	
Railroad Commissioners	463
Census as Basis of	456
Commissioner of Agriculture	282
Deputy Commissioner, Public Printing	457
Proposed Constitutional Amendment	241
County Commissioners	266
Dipping-vat Inspector	531
State Board of Education	322
Deputy State Engineer	522
Executive Accountant	340
Feeble Minded Commission	344
Food and Drug Commissioner	348
Deputy Game Wardens	355
State Board of Health	511
Heating Engineer	522
County High School Board	307
County Highway Superintendent	527

SALARIES—Continued.

	Page
State Highway Commissioners	526
Secretary, Historical Society	529
Deputy Industrial Commissioner	556
Commissioner of Insurance	384
Land Settlement Commissioner	507
State Live Stock Sanitary Board	533
Parole Officer	510
Probation Officer	230
Scale Inspectors	462
Secretary, Feeble Minded Commission	344
Soldiers Compensation Board	502
State Sheriff	520
Superintendent of Banks	225
Assistant Superintendent, State Capitol	519
Women's Committee of Investigation	551

SALES—

See Uniform Sales Act.

SANITARY CONDITIONS—

Food Production	350
-----------------------	-----

SCALES—

Inspection	458
------------------	-----

SCHOOL FOR BLIND—

See State School for Blind.

SCHOOL FOR DEAF—

General Appropriation	155
-----------------------------	-----

SCHOOL DISTRICTS—

Official Bonds, State Department	516
Community Centers	236
Funds Deposited Within State	452

SCHOOL FOR FEEBLE MINDED—

See State School and Home for Feeble Minded.

General Appropriation	155
-----------------------------	-----

SCHOOL OF MINES—

General Appropriation	154
Appropriation for Building	183
Appropriation for Land	183
Appropriation for Heating Plant	184

SCHOOL AND PUBLIC LANDS—

Appropriation, Land Sold by Error	177
Appropriation for Advertising	177
Appropriation for Drainage	178
Deficiency Appropriation	178
Appropriation for Taxes	201
Drainage	294
Leases, Default	491
Foreclosure of Mortgages	489
Navigable River and Lake Beds	490
Removal of Sand and Gravel	490
Contract for	490
Rules and Regulations	490
Duty of Attorney General	490
Proceeds Deposited	490
Islands and Sand Bars	490
Violation, Penalty	491
Rodent Pests	468

SEAL—

Official, State Sheriff	535
-------------------------------	-----

SECRET SOCIETIES—

Emblems	343
---------------	-----

Laws—38.

	Page
SECRETARY OF STATE—	
General Appropriation	151
Annual Reports of Corporations, (Foreign)	250
Duty, Ballots for Constitutional Amendments, Etc.	327
Duties, Abstracts of Title	492
On Certain Board	405
Duty, Citizenship Certificates	235
Duty, Community Centers	236
Duties, Home Building Department	362
Fees	493
Duty, Foreign Corporations	248
Duties, Land Settlement Bonds	507
Duty, Motor Vehicles	420
Motor Vehicle License Fees	422
Mutual Insurance Companies	392
Duty, Soldiers Compensation Act	502
State Hall Insurance	385
Duty, State Highway Bonds	525
Duty, Washington Monument	203
Dissolution of Corporations	493
SECRETARY OF STATE HISTORICAL SOCIETY—	
Salary, Bond	529
SECURITIES COMMISSION—	
Investment Companies	494
Not Applicable	495
Duties	495
Dealer to Register	497
Agent's Fee	498
Company Accounts	498
False Statement	499
Violation	500
SEED TESTING—	
General Appropriation	153
SENATE—	
Apportionment	408
SESSION LAWS—	
Republication, Special Sessions	405
SEWERAGE—	
Special Assessment	440
Bonds for, by Municipal Corporations	440
SHANNON COUNTY—	
Appropriation for Assessment	157
SHARES—	
Of Corporate Stock, Uniform Transfer Act	252
SHEPPARD-TOWNER BILL—	
Provisions Accepted	512
SHERIFF—	
Duties, Home Building Department	362
Duty, Public Dances	451
SHERIFFS—	
Expenses in Pursuit of Criminals	264
Fees	500
Fees, Trespass of Animals	540
SIGNS—	
Interference With	361
SOIL SURVEY—	
Appropriation	153
SOLDIERS—	
Appropriation, Civil War Veterans, Etc.	160

	Page
SOLDIERS COMPENSATION ACT—	
Board Created	502
Official Bonds	503
Compensation of Board	503
Office Assistance	503
Appropriation	503
Bond Issue	503
Soldiers Compensation Fund	503
Tax Levy	503
Interest and Sinking Fund	504
State Board of Finance	504
Bond Issue Exempt from Taxation	504
Duties of Secretary	504
Proceeds of Bonds, How Expended	504
Persons Entitled to Compensation	504
Date of Enlistment	505
Conscientious Objectors	505
Deceased Beneficiaries	505
Persons Excluded from Compensation	505
Forms of Claims	505
False Application	506
SOLDIERS' HOME—	
General Appropriation	155
Admission to	506
Appropriation, Deficiency	185
Deficiency Appropriation	186
Deficiency Appropriation	186
SOLDIERS' HOME BOARD—	
General Appropriation	153
SOLDIERS AND SAILORS—	
Appointment to Office	507
Appropriation for Burial	185
Certificate of Discharge Recorded	466
SOUTH DAKOTA LAND SETTLEMENT ACT—	
Land Settlement Board	507
Powers of Board	508
Bonds	509
Duration of Authority	509
SOUTHERN STATE NORMAL SCHOOL—	
Formerly Springfield Normal School	445
SPANISH WAR VETERANS—	
Badges	343
SPEARFISH NORMAL—	
General Appropriation	154
SPECIFIC PERFORMANCE—	
See Uniform Sales Act.	
SPRINGFIELD NORMAL—	
General Appropriation	154
Deficiency Appropriation	187
Name Changed	475
STATE—	
Actions by and Against, Home Building Department	362
STATE AID FUNDS—	
General Appropriation	152
STATE AUDITOR—	
General Appropriation	148
Deficiency Appropriation, Wolf Bounties	204
Accounts With Counties	523
Member, Budget Board	515
Duty, Motor Vehicle Fund	171
Duty, Motor Fuel Tax	418
Authority, State Revenue Warrants	535
Duty, Unorganized Counties	545

	Page
STATE BOARD OF ACCOUNTANCY—	
Appropriation, Publishing Notices, Etc.	187
STATE BOARD OF AGRICULTURE—	
General Appropriation	152
STATE BOARD OF CHARITIES AND CORRECTIONS—	
See Board of.	
Membership	510
State Parole Officer	510
Relating to Defective Twine	534
Duties, State Industrial School	529
STATE BOARD OF DENTAL EXAMINERS—	
Powers and Duties	285
STATE BOARD OF EMBALMERS—	
Membership	325
STATE BOARD OF FINANCE—	
Active Depositaries	511
Duty, Soldiers Compensation Act	502
STATE BOARD OF HEALTH—	
General Appropriation	153
Appropriation	188
Compensation	511
Medical Licenses from Other States	512
Sheppard-Towner Bill	512
Division of Child Hygiene	512
Federal Moneys	513
In Unorganized Counties	513
STATE BOARD OF PHARMACY—	
Chairman, Member Alcoholic Preparations Commission	399
Licenses by	514
STATE BONDING DEPARTMENT—	
Created	516
Premiums	517
Authority of Commissioner of Insurance	517
Bond Runs in Name of State	518
Private Bond	518
Loss, Executive Accountant	518
Rejection of Applications	518
STATE BUDGET BOARD—	
Appropriation	188
Appropriation	189
Appropriation	189
Membership	515
Estimates	515
STATE CAPITOL—	
General Appropriation	152
Appropriation for Rentals, Etc., Outside of Capitol	153
Appropriation for Grounds	153
Custodian on Certain Board	405
Assistant Superintendent	519
STATE CEMENT COMMISSION—	
Bonds	519
STATE CHILD WELFARE COMMISSION—	
See Child Welfare Board.	
STATE COLLEGE OF AGRICULTURE AND MECHANIC ARTS—	
General Appropriation	153
Appropriation for Building	190
Appropriation	191
Appropriation for Building	191
Appropriation for Agricultural Extension	156
Deficiency Appropriation	192
Appropriation, Heating Plant	192
Appropriation for Building	193

	Page
STATE CONSTABULARY—	
Initiated Measure for Repeal, Submitted	521
State Sheriff	520
STATE COUNCIL OF DEFENSE—	
Appropriation for Supplies	193
STATE ENGINEER—	
General Appropriation	149
Drainage	288
Deputy	522
Heating Engineer	522
Assistants	522
Member James and Big Sioux Valley Drainage Commission	297
Township Artesian Wells	208
STATE ENTOMOLOGIST—	
General Appropriation	153
STATE FAIR—	
Appropriation, Women's Rest Room	194
County Exhibits	265
See Also State Board of Agriculture.	
STATE FIREMEN'S ASSOCIATION—	
Appropriation	194
STATE FOOD AND DRUG COMMISSIONER—	
Sale of Denatured Alcohol	400
Member Alcoholic Preparations Commission	399
Appointment, Salary, Bond	348
Regulation of Bread	347
Duties, Food Production Act	350
Hotels and Restaurants, Inspection	368
STATE FUNDS—	
State Aid—Appropriation	152
Account With Each County	523
Monthly Report by County Treasurer	523
Remittance by County Treasurer	523
Interest on Delayed Remittance	523
Department of Marketing to Department of Agriculture	285
Distribution, Motor Vehicle Fund	171
Certain Funds Consolidated and Reappropriated	162
Transfer, Adjutant General Fund	524
Transfer of Appropriations to Public Printing Fund	522
Transfer, Yankton State Hospital	559
STATE GAME WARDEN—	
Theodore Roosevelt Game Refuge	357
Member James and Big Sioux Valley Drainage Commission	297
STATE GOVERNMENT—	
Efficiency Survey	524
STATE HAIL INSURANCE—	
See Hail Insurance.	
Premium Rates	386
Duty of Crop Owner	387
Insurance Period, Value	387
Duty of Lessee	388
Statistics	388
Tax Levy	389
Owner May Elect to Exclude Land	389
Rights of Landlord and Tenant	390
Payment of Losses	391
STATE HIGHWAY BONDS—	
Exemption from Taxation	211
STATE HIGHWAY COMMISSION—	
Appropriation, Motor Fuel Tax	418
County Bridges	526
Fund from 70% of Motor Vehicle Licenses	420

STATE HIGHWAY COMMISSION—Continued.

	Page
County Highway Superintendent	527
Highway Bonds	525
Members	526
State Highway Engineer	526
Salaries and Expenses	528
STATE HIGHWAY DEPARTMENT—	
Appropriation for Employee's Death	194
STATE HIGHWAY ENGINEER—	
Appointment	526
Member James and Big Sioux Valley Drainage Commission	297
STATE HIGHWAY FUND—	
Motor Fuel Tax	418
STATE HOME BUILDING DEPARTMENT—	
See Home Building Department.	
STATE HORTICULTURAL SOCIETY—	
General Appropriation	153
STATE HISTORICAL SOCIETY—	
Secretary	529
STATE HOSPITAL FOR INSANE—	
See Yankton State Hospital.	
STATE HOUSE—	
General Appropriation	152
STATE INDUSTRIAL SCHOOL FOR GIRLS—	
Established	529
STATE INSPECTOR OF PETROLEUM PRODUCTS—	
Duty, Motor Fuel Tax	418
STATE LIBRARIAN—	
Office	529
STATE LIBRARY COMMISSION—	
Approve County Librarian	260
STATE LIVE STOCK SANITARY BOARD—	
General Appropriation	150
Dipping Vats	531
Deficiency Appropriation	195
Deficiency Appropriation	196
Qualification, Salaries	533
Tuberculosis Indemnity Fund	533
STATE NURSES EXAMINING BOARD—	
Appropriation	196
STATE PARKS—	
Closing of Gates	446
Trespass of Animals	447
STATE PAROLE OFFICER—	
See Parole Officer.	
STATE PENITENTIARY—	
General Appropriation	155
Appropriation for Transportation of Convicts	173
Appropriation for Conveyance of Convicts	174
Appropriation for Deficiency	197
Relating to Defective Twine	534
STATE PUBLISHING CO.—	
Selling Price, Supreme Court Reports	538
STATE SANITARIUM—	
General Appropriation	155
Appropriation for Improvements	197
Appropriation for Building	198

	Page
STATES ATTORNEY—	
Duty, Chiropractors Act	232
Deputies	536
Special Agents	536
Duty, Escheats	336
Duty, Food Production Act	353
Duties, Home Building Department	366
Duty, Mothers' Pensions	416
Duty, Motor Fuel Tax	418
Duty, Navigable Waters Beds	490
Duty, Railroad Commissioners	460
Duty, School Fund Mortgages	489
Duty, School Land Lease Defaults	491
STATE SCHOOL FOR THE BLIND—	
General Appropriation	155
Deficiency Appropriation	180
Appropriation	181
STATE SCHOOL FOR THE DEAF—	
General Appropriation	155
STATE SCHOOL AND HOME FOR FEEBLE MINDED—	
General Appropriation	155
Appropriation for Improvements	181
Appropriation	182
Deficiency Appropriation	182
Segregation Act	344
STATE SCHOOL OF MINES—	
Deficiency Appropriation	184
STATE SHERIFF—	
General Appropriation	151
Appointment, Qualification, Salary	520
Member Alcoholic Preparations Commission	399
Duty, Motor Fuel Tax	418
Official Seal	535
Permit, Sacramental Wine	402
STATE TRAINING SCHOOL—	
General Appropriation	155
Appropriation for Improvements	198
Girls to go to State Industrial School	529
STATE TREASURER—	
Active Depositaries	511
General Appropriation	152
Appropriation for Deficiency	199
Appropriation for Expense, Sale of State Warrants	199
Appropriation, Premium on Official Bond	200
Duties, Home Building Department	362
Duty, Motor Fuel Tax	418
Duty, Motor Vehicle Tax	420
Motor Vehicle License Fees	422
Duties, Securities Commission Act	494
Sheppard-Towner Maternity Bill	512
Duty, Soldiers Compensation Act	502
Authority, State Revenue Warrants	535
STATE UNIVERSITY—	
See University of South Dakota.	
STATE WARRANTS—	
Revenue	535
STATUTE OF FRAUDS—	
See Uniform Sales Act.	
STOCK YARDS—	
See Railroad Commissioners.	
STOPPAGE IN TRANSIT—	
See Uniform Sales Act.	

	Page
STORAGE BATTERIES—	
Rental—Misuses	467
SUNDAY—	
Initiated Measure Submitted	537
SUPERINTENDENT OF BANKS—	
See Banks and Banking.	
SUPERINTENDENT HOME FOR FEEBLE MINDED—	
Duties, Segregation Act	344
SUPERINTENDENT OF PUBLIC INSTRUCTION—	
General Appropriation	151
Duty, Compulsory Education	301
Consolidated Districts	303
County High Schools	307
Duty, Rural School Building Plans	176
School District Teacher, Contract, When	316
State Aid for Rural and Consolidated Schools	311
Training of Teachers	317
Approves Vouchers Civilian Rehabilitation	159
SUPERINTENDENT, STATE BOARD OF HEALTH—	
Salary	511
SUPREME COURT—	
General Appropriation	152
May Require Circuit Judges to Act in Other Circuits	274
To Establish Rules of Practice in Small Claims	278
Expense of Judges	538
Judgment Notwithstanding Verdict	274
Non-political Nomination and Election of Judges	331
Presiding Judge on Certain Board	405
SUPREME COURT REPORTS—	
Selling Price	538
SURVEY—	
Efficiency Survey of State Government	524
TAXATION—	
See Assessment and Taxation.	
TAX COMMISSION—	
General Appropriation	152
Appropriation for Supplies	201
Chairman, Member Budget Board	516
Duty, Home Building Department	363
Duty, Soldiers Compensation Act	502
State Bridge Levy	211
State Hail Insurance	385
TAX DEEDS—	
Time for Procuring	213
TAX SALE—	
Notice	212
TEACHERS—	
Oath of Allegiance	317
TELEGRAPHS—	
Wires Across Highways	360
TELEGRAPHS AND TELEPHONES—	
Consolidation	539
TELEPHONES—	
Wires Across Highways	360
THEODORE ROOSEVELT GAME <u>REFUGE</u> —	
Provisions	357
THRESHER'S LIEN—	
Includes Shellers of Corn	409

	Page
THRESHING MACHINES—	
Under Workmen's Compensation Law	557
TOLSTOY—	
Bond Issue Legalized	146
TOWNS—	
See Municipal Corporations.	
Election Precincts, Adjacent Territory	335
TOWN ASSESSORS—	
Compensation in Certain Cases	209
TOWN CLERK—	
Duties, Home Building Department	366
TOWNSHIPS—	
Access to Highways Over Drains or Elevations	359
Artesian Wells	208
Official Bonds, State Department	516
Community Centers	236
Disposal of Waters	540
Funds Deposited Within State	452
TOWNSHIP ASSESSORS—	
Compensation	209
TOWNSHIP SUPERVISORS—	
Compensation of Assessors	209
TRESPASS—	
By Animals, Damages	542
Damages	540
TRIAL—	
See New Trial.	
TRUANCY OFFICER—	
Duties, Compulsory Education	298
TYNDALL—	
Bond Elections Legalized	147
UNIFORM LAWS—	
Extradition of Persons of Unsound Mind	341
Uniform Foreign Depositions Act	548
Uniform Stock Transfer Act	252
UNIFORM LEGISLATION—	
Commissioners	542
UNIFORM SALES ACT—	
PART 1	
FORMATION OF THE CONTRACT	
Contracts to Sell—Sales	470
Capacity—Liability for Necessaries	470
Form of Contract of Sale	471
Statute of Frauds	471
SUBJECT MATTER OF CONTRACT	
Existing and Future Goods	471
Undivided Shares	471
Destruction of Goods Sold	471
Destruction of Goods Contracted	472
THE PRICE	
Definition and Ascertainment of Price	472
Sale at a Valuation	472
CONDITIONS AND WARRANTIES	
Effect of Conditions	473
Express Warranty	473
Implied Warranty of Title	473
Implied Warranty in Sale by Description	473
Implied Warranty of Quality	473

UNIFORM SALES ACT—Continued.

Page

SALE BY SAMPLE

Implied Warranty, Sale by Sample	474
--	-----

PART 2

TRANSFER AS BETWEEN SELLER AND BUYER

Transfer as Between Seller and Buyer	474
Property In Specific Goods, Intention	474
Rules for Ascertaining Intention	474
Reservation of Right of Possession	475
Sale by Auction	476
Risk of Loss	476

TRANSFER OF TITLE

Sale by Person Not Owner	476
Sale by One Having Voidable Title	477
Sale by Seller in Possession of Goods Sold	477
Creditors' Rights Against Sold Goods	477
Negotiable Documents of Title	477
Negotiation of Negotiable Documents by Delivery	477
Negotiation of Negotiable Documents by Indorsement	477
Negotiable Documents Marked "Not Negotiable"	477
Transfer of Non-negotiable Documents	478
Who May Negotiate	478
Rights of Person to Whom Negotiated	478
Rights of Person to Whom Transferred	478
Transfer of Negotiable Document Without Indorsement	478
Warranties on Sale of Document	478
Indorser Not a Guarantor	479
When Negotiation Not Impaired by Fraud	479
Attachment or Levy—Negotiable Document Issued	479
Creditor's Remedies to Reach Negotiable Document	479

PART 3

PERFORMANCE OF THE CONTRACT

Seller Must Deliver and Buyer Accept	479
Delivery and Payment, Concurrent Conditions	479
Place, Time and Manner of Delivery	480
Delivery of Wrong Quantity	480
Delivery in Installments	480
Delivery to Carrier	481
Right to Examine Goods	481
What is Acceptance	481
Acceptance Does Not Bar Action for Damages	481
Buyer Not Bound to Return Goods Wrongly Delivered	482
Buyer's Liability for Failure to Accept	482

PART 4

RIGHTS OF UNPAID SELLER AGAINST GOODS

Definition of Unpaid Seller	482
Remedies of Unpaid Seller	482

UNPAID SELLER'S LIEN

When Right of Lien Exercised	482
Lien After Part Delivery	483
When Lien is Lost	483

STOPPAGE IN TRANSITU

Seller May Stop Delivery on Buyer's Insolvency	483
When Goods Are in Transit	483
Exercising Right to Stop	483

RESALE BY SELLER

When and How Resale Made	484
--------------------------------	-----

RESCISSION BY SELLER

When and How Seller May Rescind	484
Sale Subject to Lien or Stoppage	485

UNIFORM SALES ACT—Continued.

Page

PART 5

ACTIONS FOR BREACH, REMEDY OF SELLER

Action for Price	485
Action for Damages for Non-acceptance	485
When Seller May Rescind	486

REMEDIES OF BUYER

Action for Converting or Detaining	486
Action for Failing to Deliver	486
Specific Performance	486
Remedies for Breach of Warranty	486
Interest and Special Damages	487

PART 6

INTERPRETATION

Variation of Implied Obligations	487
Rights Enforced by Action	487
Rule for Cases Not Provided for	487
Interpretation—Purpose of Uniformity	488
Not Applicable to Mortgages	488
Definitions	488
Does Not Apply to Existing Sales	489
Warehouse Receipts Law Not Repealed	489
Repeal	489
Name of Act	489

UNIVERSITY OF SOUTH DAKOTA—

General Appropriation	154
Appropriation	202
Appropriation for Special Assessments	202
Initiated Measure to Remove University from Vermillion to Sioux Falls....	543

UNORGANIZED COUNTIES—

Appropriation for Assessment	157
Appropriation for Assessment, Shannon County	157
Assessment	214
Board of Health	513
Civil and Criminal Jurisdiction	545
Taxation	545
Transfer of State Funds	546
Clerk of Court's Compensation	272
Petition for Organization	544
Within Indian Reservation	544

VACANCY—

Office of Alderman	443
--------------------------	-----

VENEREAL DISEASES—

Treatment	454
-----------------	-----

VERDICTS—

Judgment Notwithstanding	274
--------------------------------	-----

VITAL STATISTICS—

Fees	546
------------	-----

VOCATIONAL EDUCATION—

Regulations	322
State Aid—Appropriation	151

VOCATIONAL REHABILITATION—

General Appropriation	153
-----------------------------	-----

VOTERS—

Who Move from Precinct Within 30 Days Prior to Election	331
---	-----

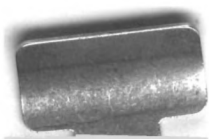
WAREHOUSE RECEIPTS—

See Uniform Sales Act.

WAR VETERANS—

Appropriation for Tuition	203
---------------------------------	-----

	Page
WARRANTS—	
Home Building	362
Land Settlement Act	507
State Hall Insurance	385
State Revenue	535
WARRANTY—	
See Uniform Sales Act.	
WASHINGTON MONUMENT—	
Appropriation	203
WATERS—	
Disposal of, by Townships	540
WATERTOWN STATE HOSPITAL—	
General Appropriation	155
WITNESSES—	
Depositions in Criminal Cases	547
Examination of Injured at or Before Trial	273
Privileged Communications	548
Uniform Foreign Depositions Act	548
WOLF BOUNTIES—	
Deficiency Appropriation	204
Payment by Counties	549
WOMEN'S COMMITTEE OF INVESTIGATION—	
General Appropriation	153
Duties, State Industrial School	529
Term, Compensation	551
WORKMEN'S COMPENSATION LAW—	
Actions Where Third Persons Liable	552
Appropriation for State Liability	204
Compensation for Death	555
No Compensation to Foreigners	553
Compensation for Injury	553
Hearings of Board of Arbitration	552
Industrial Commissioner	556
Threshing Machines	557
Wilful Neglect or Misconduct of Employee	556
See Also Industrial Commissioner.	
WRIT OF PROHIBITION—	
Defined	558
X-RAY—	
Examination in Personal Injury Actions	273
YANKTON STATE HOSPITAL—	
General Appropriation	155
Appropriation, Machine Shed	205
Appropriation for Improvements	205
Appropriation	206
Appropriation for Commissioners	206
Appropriation for Transportation	207
Transfer of Funds	559



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